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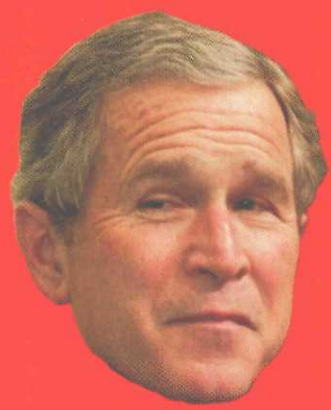

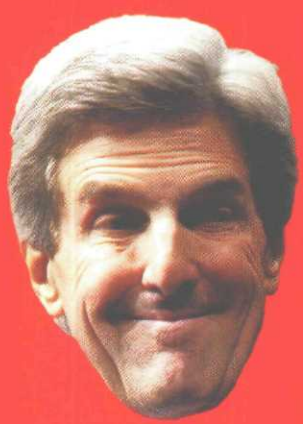

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Plus: P.J. O'Rourke, Drew Carey, Camille Paglia, and others cast their ballots

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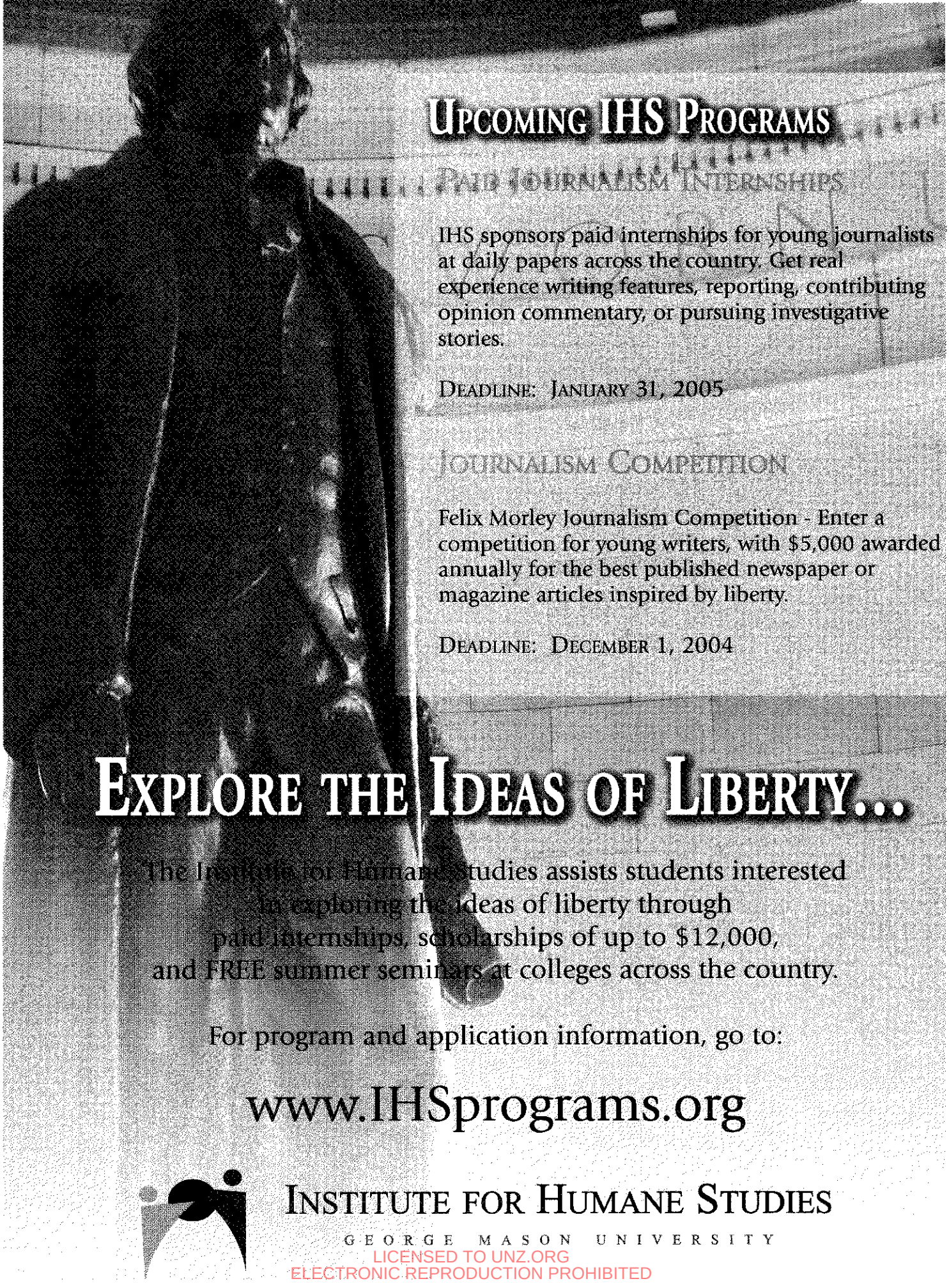

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Free Minds and Free Markets

November 2004
Volume 36, No. 6

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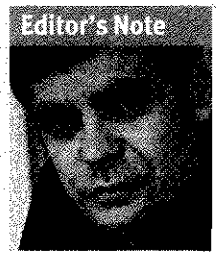

Electoral Unenthusiasm

In "Who's Getting Your Vote?," our presidential poll that starts on page 24, I cop to the youthful indiscretion of pulling the lever for Walter Mondale back in 1984, the first presidential contest in which I cast a ballot. What can I say? Fritz's notorious "Norwegian charisma," combined with my sympathy for obvious losers and a general lack of interest in politics at the time, account for my decades-old decision.

As we gathered responses on past and pending votes from a wide variety of wonks, journalists, and thinkers for this issue, I was surprised by the range of responses, and not simply with regard to participants' "most embarrassing vote." (On that score, I think most readers will agree that John Perry Barlow's vote for George Wallace takes the prize, though P.J. O'Rourke's write-in ballot for "Chairman Meow" is a close second.)

I was even more struck by the almost complete lack of enthusiasm for any of this season's candidates. Election 2004 may or may not be the most fractious—and important—election in recent memory, but it is unquestionably the most dispiriting. Mirroring the national electorate, most of our poll participants are voting *against* someone rather than *for* someone. That is, when they can stomach making a decision at all. "Bush does not deserve re-election," says supply-side maven Jude Wanniski in a typical entry, "and Kerry does not deserve to be elected." Or, as Senior Editor Jacob Sullum sums up his sentiments, "I would like to see Bush lose, but without Kerry winning." Yet one of these two will win. (Sorry to break the news to Nader's raiders and Badnarik's boosters.)

Ben Fenwick's great on-the-ground piece, "Meanwhile in Afghanistan" (page 48), lays out part of the foreign policy conundrum that will immediately face November's victor: "the coming 'warlord war' in America's other occupation." In trenchant and telling detail, Fenwick reports that even as post-Taliban Afghanistan readies for its own presidential contest this fall, the line between electoral politics and civil war remains far from clear. More troubling, U.S. troops in that Central Asian country are increasingly under fire as various militias vie for power and prestige.

Closer to home, **reason** Science Correspondent Ronald Bailey's "Mandatory Health Insurance Now!" (page 38) documents the creeping nationalization of health care during George W. Bush's first term, a trend that would likely accelerate under a President Kerry. "Maintaining our private medical system is vital because American health care and medical science are the most advanced and innovative in the world," writes Bailey, who argues that "most medical progress will be stopped in its tracks" if a national single-payer system is adopted.

That neither major-party candidate offers a sharply defined alternative to the other on this issue (among many others) helps to explain the lack of enthusiasm they inspire in voters.

—Nick Gillespie

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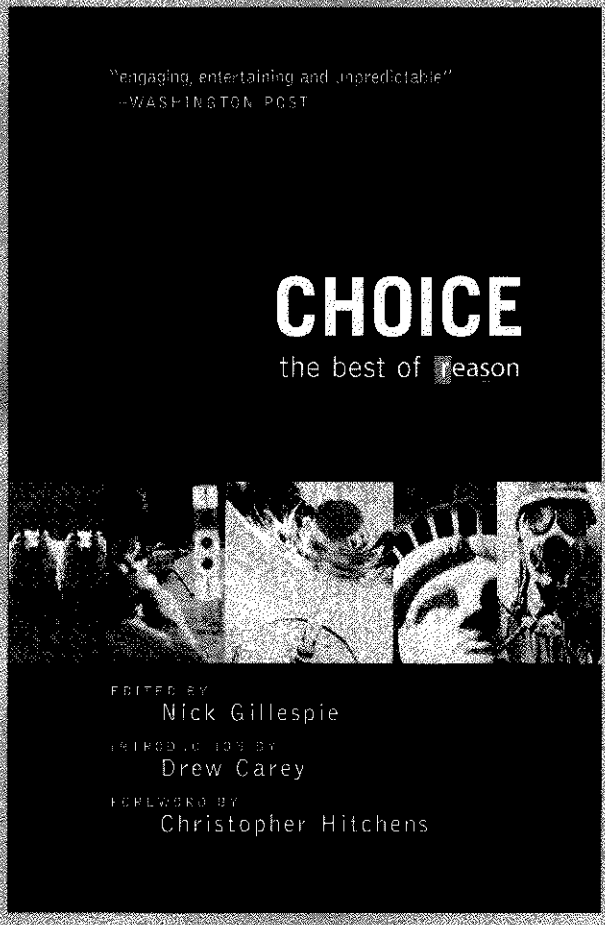

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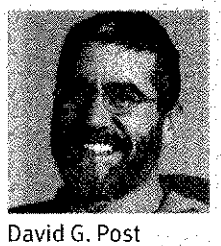

David G. Post

While 42-year-old BEN FENWICK is the only male in his immediate family who *didn't* choose a life in the military, that hasn't prevented him from seeing his share of action. The Oklahoma City–based freelancer has been writing about terrorism for Reuters since the bombing of the Alfred P. Murrah Federal Building in 1995, and he has covered conflicts in Bosnia, Guatemala, and Chiapas. From March through August, he was embedded with the National Guard's 45th Infantry Division in Afghanistan, where he wrote "Meanwhile in Afghanistan" (page 48). His reporting has appeared in *Playboy*, in *American History Illustrated*, and on National Public Radio. He is writing a book about his time in Afghanistan.

Although he studied economics as an undergraduate, avid sailor and scuba diver MICHAEL DE ALESSI knew he, like the poet John Masefield, "must go down to the seas again, to the lonely sea and sky." After earning a master's degree in marine policy from the University of Miami, he ran the Center for Private Conservation, which spotlighted successful environmental stewardship outside the public sector. In 2002 De Alessi joined the Reason Foundation, where he is a senior fellow; he is also working toward a Ph.D. in environmental policy at Berkeley. This month, in "Cramped Style" (page 63), he tells the story of The Sea Ranch, an eco-friendly private development whose most promising features were undermined by California regulators.

DAVID G. POST is used to being ahead of the curve: He wrote about the burgeoning conflicts over intellectual property in cyberspace in **reason** way back in 1996. In "Free Culture vs. Big Media" (page 67), he assesses the latest salvo in what has become a full-blown war, Lawrence Lessig's *Free Culture*. Post is a professor of law at Temple University, a senior fellow at George Mason University's Tech Center, and a blogger at *The Volokh Conspiracy*. Free culture aficionados are welcome to hunt down MP3s of the acoustic rock band Bad Dog, for which he plays guitar, piano, banjo, and harmonica.

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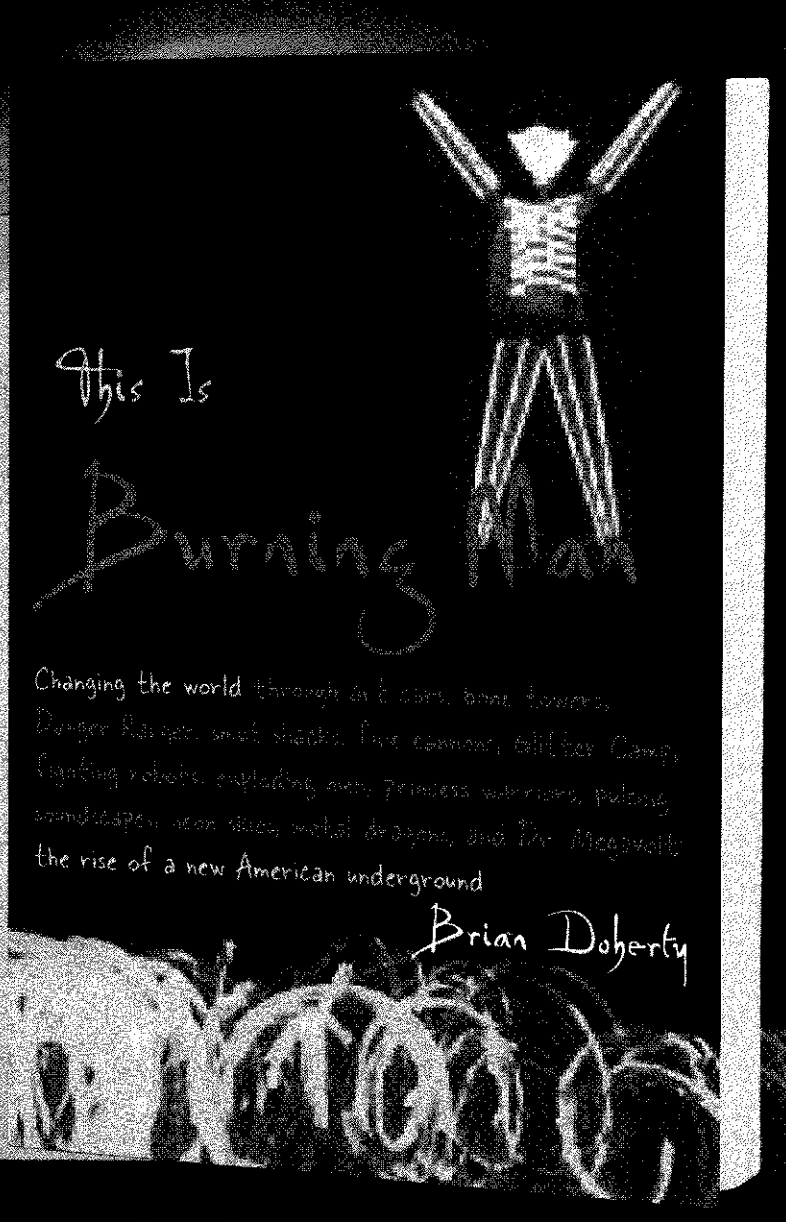

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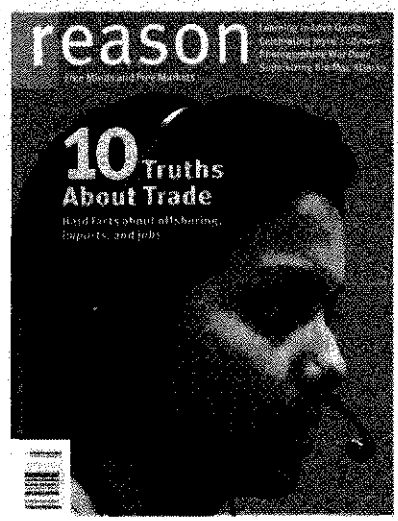

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Confessions of a "Woman Owned Business" Owner

Tama Starr's "Confessions of a 'Woman Owned Business' Owner" (July) made me smile. Decades ago I received a phone call from a representative of the long-departed Mountain Bell, the West's legacy from the AT&T breakup. He had found my name on a list of women in business and wanted to know if I would sign up for their special program for women-owned businesses.

When I explained that two humans, my husband and myself, owned and ran our little research and consulting firm, he told me he could send me work, guaranteed, if we would just incorporate our business with me as the owner and majority stockholder. I told him I was proud of our work and we would be happy to apply through the front door and compete with other businesses—even with (gasp) businesses owned and run by men. But he was in desperate need of WOBs to fill his quotas and said that if I insisted on being a regular business, he had no work for me.

The representative was very nice and eager to sign me up, and he seemed very puzzled when I turned him down; I was the only one of dozens of women who had said no. I won't judge people who sign up for similar programs, but I do take some pride in the fact that our business has never earned a penny in 29 years that was the result of any type of set-aside program.

Pat Wagner
Pattern Research
Denver, CO

Tama Starr accurately portrayed the absurdities of set-aside regulations. For several years I worked for a company that did contract work for the Commonwealth of Massachusetts. The work involved clean-up of Boston Harbor, and set-asides for WBEs (women business enterprises) and MBEs (minority business enterprises) were mandatory for bidding contractors. For one proposal to the state, I interviewed a large environmental laboratory that was certified as a minority-owned business. I toured its facility and met the management to determine their qualifications.

I saw at least a dozen employees; none was a minority. It turned out that the owner, whom I did not meet, was an Asian Indian; according to Massachusetts regulations, this qualified the company as an MBE. Why are Massachusetts citizens responsible for compensating the offspring of those who may have been aggrieved by century-old British imperialism?

It's also ironic that if someone wished to discriminate against this company on the basis of race, the most convenient way to see if it was owned by a minority would be to check that state's list of certified MBEs.

Robert Larkin
Center Sandwich, NH

Tama Starr's article was the most refreshing thing you have published in a long time. Your articles usually leave me feeling depressed, frustrated, or angry. This one left me laughing and optimistic. When injustices become laughable, it is the beginning of hope.

Ardell L.D. Taylor
Patagonia, AZ

Bloody Shame

My husband and I read Caroline Waters' article "Bloody Shame" (July) with interest, as we are both ineligible to donate blood for a period of two years due to our travels.

While our deferral in itself did not

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come as a surprise, the destination that caused our exclusion did. We lived in Singapore and the Philippines, which both have the dengue fever–bearing mosquito, and Singapore was one of the countries at the heart of the SARS crisis last year. But those locations were not the problem. The reason we were deferred was a one-day visit to the Demilitarized Zone (DMZ) on the border of North and South Korea.

Apparently, the DMZ is home to a mosquito that bears a particular strain of malaria that can remain dormant in the bloodstream for up to two years. We were in the DMZ for only one day, in January, in subzero temperatures. It is doubtful that a mosquito would have reared its head in those conditions, but the rule had to be applied, and the blood center will now miss out on our blood donations for two years.

Marie Matta
Colorado Springs, CO

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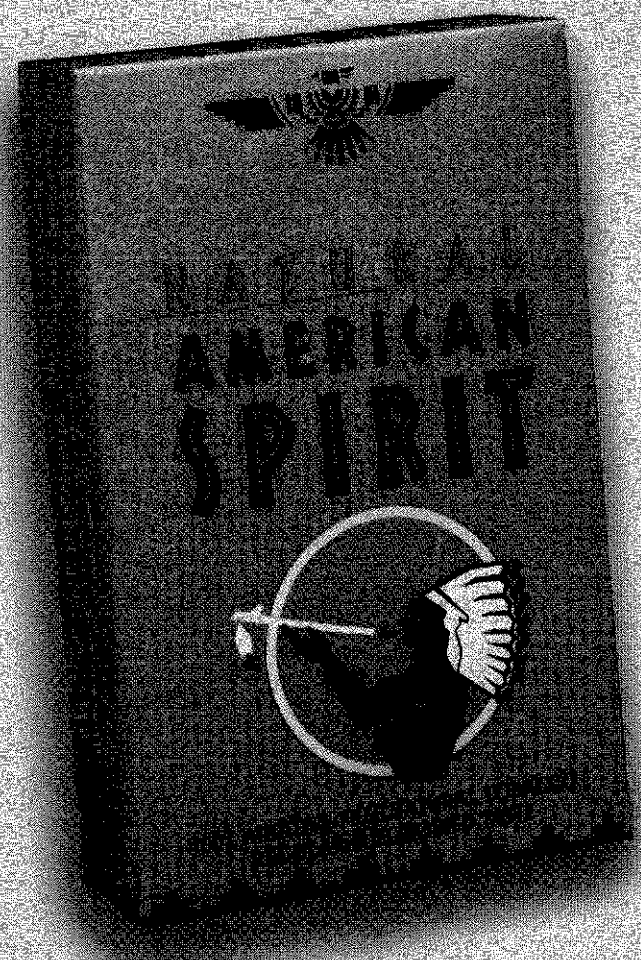

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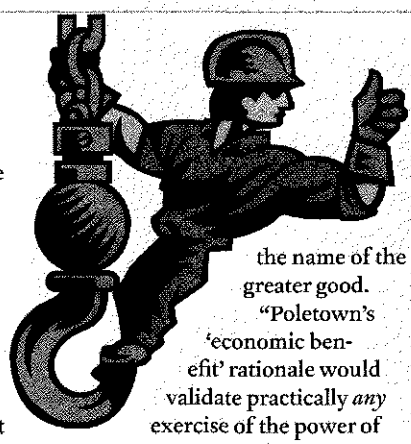
Subway searches; spamming voters; erotica in the canon; propaganda from Ashcroft; the Border Patrol's new powers; drug test debunking; partnerships in snooping; political spin doctors

Eminent domain curtailed

Razing Objections

Jacob Sullum



JUST BEFORE DAWN on July 14, 1981, Detroit police hooked a tow truck to the basement door of the Immaculate Conception Church on Trombly Street and tore it off its hinges. They stormed in and arrested a dozen parishioners who were making a desperate, doomed attempt to save their neighborhood.

The city was clearing away Poletown, a working-class community in Detroit that included about 1,400 homes and 140 businesses, to make room for a General Motors assembly plant. The Michigan Supreme Court had approved the demolition of Poletown as a legitimate exercise of the city's eminent domain powers, concluding that the jobs and tax revenue the plant was expected to bring rendered it a "public use." Last July the court finally acknowledged that its decision in *Poletown Neighborhood Council v. City of Detroit* was a mistake that opened the door to the potentially unlimited expropriation of private property in the name of the greater good.

"Poletown's 'economic benefit' rationale would validate practically *any* exercise of the power of eminent domain on behalf of a private entity," the court noted in a case involving Wayne County's attempt to seize property for a 1,300-acre business and technology park. In 1981 then-Justice James L. Ryan, dissenting from the *Poletown* decision, said much the same thing, warning that the ruling "seriously jeopardized the security of all private property ownership."

Since then, courts in Michigan and other states have followed the logic of *Poletown* in approving forced transfers of land from its rightful owners to people with more political clout: from homeowners to condominium developers, from small businesses to large businesses, from churches to retailers. "*Poletown* was the first major case allowing condemnations of areas in the name of jobs and taxes," explains Institute for Justice attorney Dana Berliner, who co-authored a brief urging the Michigan Supreme Court to repudiate the ruling. "It is cited in every property textbook in the country." By overruling *Poletown*, she says, "The court literally rewrote the book." ▮

Your baggage, please

Subway Searches

Hanah Metchis

MOST PEOPLE ARE resigned to being searched every time they enter an airport. Now baggage searches are spreading to light rail, subways, and buses. Just before the opening of the Democratic National Convention in Boston, the Massachusetts Bay Transit Authority (MBTA) introduced a new security policy: All carry-on bags are now subject to search. The policy remained in place even after the convention was over.

The bags of randomly chosen passengers entering a station are swabbed with a chemical-sens-

25 years ago in reason

"To ease the suffering of cancer patients undergoing chemotherapy, California doctors may now use marijuana as part of the treatment process. California becomes the 14th state to enact such a measure."

—Robert Poole Jr., "Trends"

"Should the taxpayers—or concerned supporters—put up with *anything* in the name of Cesar Chavez and United Farm Workers? Should they countenance deception? UFW officials, with Chavez's signed approval, said there are Campesino Centers; the ones that actually exist are union hiring halls....They said the credit union makes loans at one percent; it makes loans at 12 percent....Isn't it clear that fraud is involved?"

—Patty Newman, "Who's Bankrolling the UFW?"

"Pres. Jimmy Carter, following in the footsteps of popular 20th-century statesman Winston Churchill, has offered America one-third of the famous 'blood, sweat, and tears' combination. As a result of his majesty's executive order for a 78-degree minimum on the summertime thermostats of all commercial and public buildings...1979 has been dubbed the year of the 'long, hot, 5-day pad summer.'"

—Thomas Hazlett, "Brickbats"

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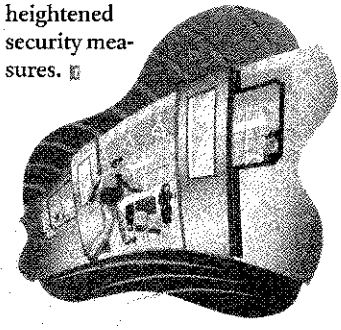
ing cloth, which is inserted into a machine. If the machine reports a positive result, in come the bomb-sniffing dogs.

The National Lawyers Guild and the American-Arab Anti-Discrimination Committee have sued to stop the new policy. Lawyers Guild President Michael Avery argues that the searches are too intrusive, especially given that the policy was not prompted by any specific threat. "Law enforcement has only the vaguest, most general, speculative information," he says. "And I just don't think that kind of information is enough to compromise the privacy and freedom of everyday life."

Other cities are watching the case closely. "Virtually every other transit system in America has contacted us for information" about the new policy, according to MBTA Deputy Police Chief Tom McCarthy. On the other hand, none of the three major transit systems near the site of the Republican National Convention in New York—MTA, New Jersey Transit, and Amtrak—searched carry-on bags as part of their heightened security measures. ▯



Political junk ease

Spamming Voters

Jeff A. Taylor

WHAT'S WORSE THAN spam? Political spam, the dirtiest, vilest form of spam. Campaign '04 is its coming-out party.

One spam-blocking firm, MailFrontier, predicts 1.25 billion unsolicited political e-mails will be sent to prospective voters by November. The group estimates that about 1 percent of all spam is political, usually in the form of surveys. But tracking from Symantec/Brightmail Probe Network found that political spam steadily increased during the election year, suggesting that it could make up 5 percent of all spam going into 2005. Such spam is exempt from the requirements of the CAN-SPAM Act, which regulates only "commercial" messages.

Political fund-raising spam is still relatively rare, but it has already been twisted to fraudulent purposes. In July a scammer based in Jaipur, India, spammed an e-mail list looking for Kerry supporters to contribute to the campaign via a Web page copied from Kerry's official site. The stunt forced the Kerry campaign to warn supporters away from any e-mail mentioning johnkerrys.com, the fake site. ▯

Erotica in the canon

The Big *O*

Charles Paul Freund

THE STORY OF O, a once-notorious French novel about a woman, an obsession, and a lot of whips and chains, turns 50 this year. To mark the occasion, France has included the work on an official list of national triumphs.

"Official" recognition of a work of outright erotica as a "national triumph" may seem perverse, but *The Story of O* has earned its celebration. The novel, attributed to one "Pauline Reage," finally paid off centuries of French-language erotic tedium with an acknowledged classic.

No nation has enjoyed a greater reputation for producing and tolerating such works—from the 17th century "whore dialogues" that swept Europe to the original Paris edition of Joyce's *Ulysses*—than France. Philosophe Denis Diderot penned an 18th-century novel featuring talking vaginas, while poet Guillaume Apollinaire spiced up one of his short works with incest and urine fetishism. And then there's Marquis de Sade.

Most such works were written rapidly, anonymously, and for the money, and they show it. *O*, however, is a different matter. Author "Reage" lent her masochist heroine both eloquence and insight; the character communicates not only her humiliations but also the pleasure she takes in submitting to them. In short, the work transcends the fetish at its center. A common reaction to the novel is to express warm admiration despite a stated disinterest in sadism or bondage.

"Pauline Reage" was identified 10 years ago as Dominique Aury, a woman of distinction in French letters. She wrote the book in her 40s to prove to a doubtful lover (Jean Paulhan of the French Academy) that a woman could write effective pornography. Paulhan was impressed, arranged its publication, and even wrote a notoriously opaque introduction. French authorities cracked down on *O* when it appeared, and the book was long sold surreptitiously. ▯

Of mice, men, and aging

Build a Better Mouse

Ronald Bailey

FORGET THE X Prize. What's so great about sending a couple of people 100 kilometers up in the sky? The Methuselah Mouse Prize has a more interesting goal: getting a mouse to have an unusually long and healthy life.

The prize is named after Methuselah—the longest-lived human being, according to the Bible, which says he survived 969 years. If scientists can reliably lengthen the lives of mice, prize organizers believe, they will be well on their way to finding out how to do the same thing for people. The underlying insight is that, since 99 percent of the 30,000 or so mouse genes have direct counterparts in humans, we are in one narrow sense just big mice.

The Methuselah Mouse Prize is chiefly the brainchild of Aubrey de Grey, a theoretical biogerontologist at Cambridge University. The Methuselah Foundation offers two prizes. One is the Postponement Prize, awarded whenever the world record life span for a mouse is exceeded. The second one is »

Quote

"I spent five weeks trying to find good people. I got down into last week interviewing a 70-year-old guy who was a great farm broadcaster in Illinois. He decided because of his health problems he couldn't do it....We needed to find somebody to run, somebody who wanted to run. And, you know, Alan Keyes wants to run." ▯

—House Speaker Dennis Hastert (R-Ill.) on how a candidate was found to run against Barack Obama for the U.S. Senate, quoted in *The New York Times*, August 8

Sources

For the true campaign junkie, even the steady IV drip of the 24-hour news channels may not be enough. If you just want to keep your eye on the big picture, electoral-vote.com compiles the latest polling data to give you a quick look at who's leading where. University of Virginia political scientist Larry Sabato's *Crystal Ball*, at centerforpolitics.org/crystalball, provides more in-depth analysis and handicaps the House, Senate, and gubernatorial races. And if you're itching to play Karl Rove, check out pbs.org/newshour/vote2004/politics101.html, where an interactive electoral map lets you project the consequences of shifting votes in one or more states. ▯

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Brickbats

Kelly Simo, a 12th-grade student at Anderson Collegiate in Whitby, Ontario, was suspended from school for a day for jaywalking. Simo claims she crossed with the light on her way home from school. But setting innocence aside, she wants to know how the school can punish her for something she did a block from the campus after school hours. Officials told her mother the school day doesn't end until the student is back in the house. Asked if the school would be liable if her daughter had been hit by a car or mugged or raped after she left school, they replied, "Let's not get carried away."

Tabitha DeSousa was handcuffed and lying on the ground when sheriff's deputies in Clark County, Washington, shot her in the leg, shattering a bone. DeSousa had just been caught in a drug bust, and the deputies were trying to shoot her dog, which they say was menacing them.

South African troops serving as part of a United Nations mission in the Democratic Republic of the Congo have been accused of 50 sexual attacks on underage boys and girls. One officer accused of molesting an interpreter had requested only male interpreters under the age of 18.

Debora Hobbs was fired from her job as a dispatcher for the Pender County, North Carolina, Sheriff's Office after Sheriff Carson Smith found out she was living with her boyfriend. Smith says state law prohibits unmarried, unrelated adults of the opposite sex from living together but admits it's a law he doesn't enforce. Hobbs says she wants the law changed, but the sheriff says he might not change his policy even if it is.

For 15 years, Junior Achievement in Rochester, Minnesota, has held a rubber duck race to raise money. Then state authorities found out. It turns out nonprofits are legally permitted to raise money through gambling, but only if it's limited to bingo, pull tabs, pinwheels, raffles, or tip boards. Duck racing isn't on the list. The group had to cancel its fundraiser but may revive it with an approved gambling method next year.

In July homeland security officers nabbed an alleged marijuana smuggler in Buffalo, New York. One officer, Robert Rhodes, tried to grab a Chinese woman standing near the suspect. He says she tried to run, then hit at him and scratched him. Witnesses say Rhodes sprayed her with pepper spray, threw her against a wall, kneed her in the head as she knelt on the ground, then struck her head against the ground while holding her hair. An inspector who later interviewed her at the hospital found both her eyes swollen shut. Officials determined she was a tourist who had nothing to do with the alleged smuggler.

Residents of Hampshire County, Great Britain, thought the new lines painted on a local road looked a bit "wavy." County officials initially insisted it was a safety feature, but upon further investigation they discovered the wavy lines were the result of painters' following a map that was folded and creased.

Charles Oliver

› the Reversal Prize, awarded to researchers whose interventions keep a mature mouse alive significantly longer than expected. (The ordinary life span of a mouse is two to three years in a lab, even less in the wild.) Naturally, the Reversal Prize will

be of particular interest to baby boomers.

The two prizes combined now stand at more than $62,000, and organizers hope to dramatically increase that amount through a donation drive. But the aim of the Methuselah Mouse Prize is not just to encourage scientists to get involved with anti-aging research; it's also a stunt aimed at capturing the public's imagination.

"I think it's great," says Christiaan Leeuwenburgh, director of the University of Florida's Biochemistry of Aging Laboratory. "It's going to get a lot of positive public attention for anti-aging research." De Grey believes people will demand more research into effective anti-aging treatments once they are convinced it is possible to significantly retard aging in a mammal.

Live free...or in Vermont

Secession Fever

Hanah Metchis

Residents of Killington, a ski town in Vermont, were so mad about their high state taxes that in March they approved a plan to secede from the state and join neighboring New Hampshire. Now other towns want to flee Vermont as well, and they're asking Killington officials for advice. Dorset, Ludlow, and Manchester have already held town meetings to learn about secession; other towns may follow.

David Lewis, town manager of Killington, says the state of Vermont is bleeding the resort towns dry to benefit less prosperous towns. Killington residents pay $10 million in property taxes but receive only $1 million from the state government. Dorset pays $7 million and gets back $3.6 million.

After a town passes a secession plan, the move must be approved by the legislatures and governors of both states and by the U.S. Congress. "The odds are not with us," Lewis admits. "But just because something is a long shot does not mean that you don't do it." Killington has drafted a bill for secession and will introduce it to the legislature soon.

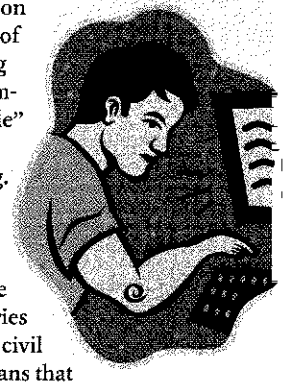
Propaganda from Ashcroft

Selling PATRIOT

Julian Sanchez

In July, the Department of Justice released "Report from the Field: The USA PATRIOT Act at Work," a 29-page effort to persuade its critics that the controversial PATRIOT Act, passed in 2001, is both necessary to fight terrorism and unlikely to undermine American liberties. But a close reading of the report suggests the opposite is true.

In addition to citing terrorism-related uses of the PATRIOT Act , the report celebrates the law's usefulness in catching hackers, child pornographers, kidnappers, child molesters, online scam artists, and at least one person accused of planning a "Columbine-style" school shooting. These examples reinforce the worries of many civil libertarians that law enforcement powers sold to the public as special anti-terror measures would more often ››



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Balance Sheet

Jeff A. Taylor

Turkish Coffee

Building on a local affinity for coffee and coffee houses dating to the 16th century and a successful branch in Istanbul opened last year, Starbucks Coffee opens in Ankara, with plans for stores across Turkey.

Fertile Canal

A follow-up to one of the first environmental impact studies ever, the Smithsonian Institution's 1910 Panama Biological Survey, finds the Panama Canal did not destroy ecosystems. In fact, diversity has increased and none of the fish species cataloged decades ago have disappeared.

Cell Unblocked

Scientists based at Britain's Newcastle's Center for Life receive permission to research stem cells using unfertilized human eggs, a U.K. first.

Swap Meet

The file sharing programs Grokster and StreamCast Networks are not liable for the copyrighted songs and movies swapped by users, the U.S. Court of Appeals for the 9th Circuit rules.

Death Spin

The 9th Circuit also turns down a Justice Department request to rehear a challenge to Oregon's physician-assisted-suicide law. Attorney General John Ashcroft can still ask the Supreme Court to hear his claim that the Death With Dignity Act violates the Controlled Substance Act of 1970.

Fighting Upstream

Colorado officials stand up to the Environmental Protection Agency's attempts to determine the water level of rivers and streams. The EPA blames bad water in the Dolores River on too little water and suggests the state find ways to put more in. But water rights are privately held in the state, Colorado officials note.

Class Clowns

The Justice Department finds that a guns-drawn and dogs-loosed police raid at Goose Creek High School did not violate the civil rights of students at the South Carolina school. No drugs or weapons were found after the November 5 raid, in which 130 students were ordered to the floor and 18 were handcuffed.

Flopping List

Sen. Edward Kennedy (D-Mass.) is allowed to continue flying despite being fingered by the nation's wacky no-fly lists as a potential terrorist. Airline officials interceded on Kennedy's behalf, but getting off the list remains trickier for those of us who aren't senators.

Flu Bugs

The U.S. Centers for Disease Control and Prevention declare last year's flu shot panic a success. The shot only worked about half the time, but the CDC says that was better than nothing. And so is chicken soup.

String Theory

Los Angeles springs into action to stop Silly String. City councilmen say the stuff must be banned on Halloween because it is hard to clean up.

Color Blind

Officials in Lauderhill, Florida, adopt a government-approved color palate to stave off tacky, property value–sapping paint jobs. Combos like purple and gold are out, as everyone knows nearby color-regulating burgs like Coral Springs, Boca Raton, and Coral Gables have achieved aesthetic perfection.

Machete Control

Boston area police worry that machetes have become the weapons of choice among Hispanic gang members. The concern has led to municipal bans on the tools—which, ominously, can be found at garden centers.

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Data

Lost Horizon

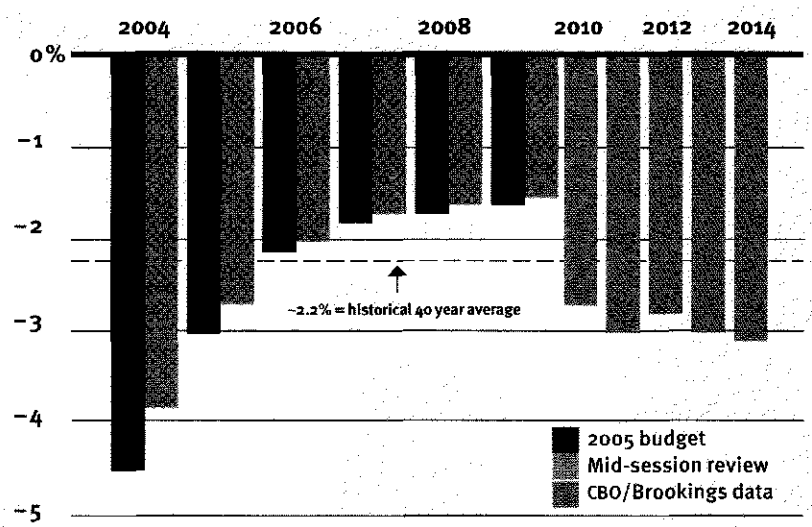
Julian Sanchez

Last summer, when the Office of Management and Budget (OMB) released its annual mid-session review of the budget, OMB director (and former assistant to the president) Joshua Bolten had some great news: "Because the president's economic policies are working, we are ahead of pace to meet the goal of cutting the deficit in half within five years."

When politicians promise a good outcome five years hence, it's a good idea to check what follows in year six. The OMB, which answers to the White House, stops making deficit projections exactly five years out. And its projections have to assume current law. That means they assume the Bush tax cuts expire, even though "the president's economic policies" include a plan to make them permanent, and that the alternative minimum tax won't be indexed for inflation in the intervening years, even though that's a virtual political impossibility.

The Congressional Budget Office (CBO) has a longer time horizon, and scholars at the Brookings Institution have used CBO data to project what would happen if the alternative minimum tax were adjusted and the tax cuts extended. The unsurprising result: With taxes reduced but spending unchecked, deficits make a comeback and keep growing in 2010, even before the entitlement explosion we'll see as the baby boomers retire.

Projected Federal Deficit (as percent of GDP)



Source: Office of Management and Budget, Congressional Budget Office, Brookings Institution

be used in ordinary criminal cases.

One case, a hacker's attempt to extort money from the National Science Foundation, is dubiously described as a "cyberterrorist threat." The report also implies that the hacker might have been able to shut down life support for scientists at the South Pole, although the FBI later made it clear that there was no such danger. National Science Foundation sources told *Newsweek* the PATRIOT Act was not vital to the case's resolution.

The report is silent on some of the most controversial PATRIOT Act provisions. Electronic Frontier Foundation attorney Kevin Bankston, who calls the report "propaganda, a fluff document, not an informational document," notes that there is no mention of Section 215, which allows the government to demand business records. Nor does it cite the "sneak and peek" provisions in Section 213, which authorize delayed-notification searches.

Bankston argues that the report fails to prove the PATRIOT Act was really necessary in the cases for which it was used. He notes that pre-existing "emergency situations" laws allow law officers to gather information rapidly when there is imminent threat to life or limb. "The only real benefit they can cite is that it allows them to move faster, and the reason it allows them to move faster is that they're subject to less oversight," says Bankston. "If that's the only argument, we might as well scrap the entire warrant requirement, because those pesky warrants waste an enormous amount of time."

The Border Patrol's new powers

Judge, Jury, and Cop

Hanah Metchis

SINCE 1996 THE U.S. Border Patrol's "expedited removal" procedure has allowed it to ship illegal immigrants home from airports and seaports without a hearing before an immigration judge. Now this power is being expanded to cover people crossing at the borders with Mexico and Canada.

Bill Strassberger, a spokesman for the Department of Homeland Security, which runs the Border Patrol, says deportation procedures that could take up to 12 months in the past can be processed in just a few days under the new policy. Many illegal immigrants are confined for months in detention centers while awaiting their court dates. "It's an effective use of the resources to enforce the immigrations laws of the country," he argues. "At the same time, we are protecting the rights of those persons who are seeking protection in the United States."

But Eleanor Acer, director of the asylum program at Human Rights First, says the expedited process cannot adequately protect the rights of asylum seekers. "It's destined to fail," she says. "It has no meaningful safeguards. This change gives border patrol officers the power to act like judges." In 2000 her group published "Is This America?," a study of expedited deportation in U.S. airports that cited many abuses as well as mistaken deportations of asylum seekers, businesspeople, and American citizens.

Drug test debunking

Fluid Check

Jacob Sullum

NEARLY TWO DECADES after drug testing started catching on in U.S. workplaces, it is still relatively unusual in the U.K. A new report from an independent British commission sug-

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gests it should stay that way.

The Independent Inquiry Into Drug Testing in the Workplace, a project funded by the Joseph Rowntree Foundation and assisted by the think tank DrugScope, did 18 months of research, including surveys, reviews of the scientific literature, and input from experts, employers, and drug test providers. Its report, available at www.jrf.org.uk, concludes that "the evidence does not provide much support for alarmist claims about the impact of drug use on absenteeism, turnover, productivity or reputation. Nor has it been demonstrated that drug testing has a significant deterrent effect."

Even in safety-sensitive jobs, the commissioners recommend

direct measurement of impairment, where feasible, rather than tests that detect traces of drugs long after their effects have worn off. "While it can have a useful role in some industries," they conclude, drug testing "is no substitute for good management practice." ▯

Political Spin Doctors

Julian Sanchez

Bryan Keefer, Ben Fritz, and Brendan Nyhan

If you've been to a protest, you've seen the sign: "Bush Lied!" But according to Ben Fritz, Bryan Keefer, and Brendan Nyhan, editors of the nonpartisan media watchdog site *Spinsanity*, the truth is a bit more complex. In their new book *All the President's Spin: George W. Bush, the Media, and the Truth* (Touchstone), they argue that Bush has mastered the Clintonian art of carefully crafting misleading statements that are technically true. Assistant Editor Julian Sanchez spoke with the authors in August.

reason: What are a few instances of the approach you're talking about?

Keefer: What they did [with the Iraq war] was to strip out all the caveats from the intelligence they had and present it to the public as a sure thing. And the press failed to call them on that by looking at what was in the public record.

Fritz: There's also the stem-cell debate. Bush said at one point, "As a result of private research, more than 60 genetically diverse stem-cell lines already exist." Most people assumed that these were 60 *usable* lines. When our book went to press, only 19 were ready for research; at the time it was fewer.

reason: Why has the press failed here?

Fritz: These public relations techniques are designed to exploit the way journalists do their jobs. There's a need to emphasize speed and therefore an inability to check out complex claims to see if they're false or misleading without more context.

There's also this norm of objectivity where if you go after someone too hard, it's seen as unprofessional or biased. At best they might have some person on the other side respond to a misleading claim, but there's seldom an attempt by the journalist to figure out what's true.

Nyhan: The media have to get some backbone. Knight-Ridder was doing great public record reporting because they didn't have high-level sources at the same time *The New York Times* was running administration leaks to Judith Miller on the front page.

reason: How good is the Bush team at spin?

Nyhan: There's no universal metric of dishonesty, but they've been systematic about it. They've very self-consciously taken the strict message discipline and the use of imagery from Ronald Reagan and the 24-hour rapid response spin and the use of half-truths from Clinton and amalgamated it into a very effective machine.

Keefer: John Kerry's now picking up some of the same techniques. He'll say "we've lost 3 million jobs," which is true for the private sector. If you look at *total* jobs lost, it's more like 1.1 or 1.2 million. But 3 million sounds a lot worse.

Partnerships in snooping

Minding Your Business

Julian Sanchez

FROM THE 1940S through the '70s, the major telegraph companies voluntarily gave the government copies of all cables sent to or from the U.S. as part of an illegal project called Operation Shamrock. According to "The Surveillance-Industrial Complex," a new report from the American Civil Liberties Union, something similar is afoot today.

More and more, Washington is using private-sector intermediaries to circumvent the Fourth Amendment's restrictions on the information its agents can directly gather. While public opposition killed the Terrorism Information and Prevention System (TIPS), which would have recruited private citizens to be the government's eyes and ears, a plethora of smaller programs are attempting the same thing with neighborhood watch groups, real estate agents, truck drivers, and others.

Other laws require businesses to maintain records on their customers for the benefit of law enforcement, exploiting a legal loophole that recognizes no Fourth Amendment interest in the information individuals have turned over to third parties. Last year the FBI used "national security letters" to gather information on some 270,000 Americans from Las Vegas hotels and car rental agencies, all without any individualized suspicion of wrongdoing. And even those demands are increasingly unnecessary: Government can just buy reams of information from private databases. ▯

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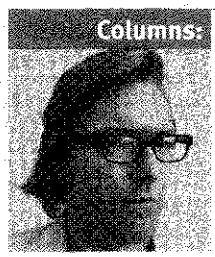

A Swift Boat Kick in the Teeth

How the mainstream media grapple with partisans

When the partisan tsunami started by the Swift Boat Veterans for Truth began inundating several weblogs I frequent, especially Glenn Reynolds' InstaPundit.com and the eponymous rogerlsimon.com, my reaction was almost exactly the same as it was to dozens of other hot-button political controversies of the last decade, from Whitewater to the Florida recount to the Israeli-Palestinian conflict: I put my hands over my ears, thrust my nose firmly in the air, and said, "Na na na, I can't hear you."

"What I don't understand is how anyone professes to truly give a flip about what John Kerry and George Bush did 32 or 36 years ago," I huffed on my own weblog on August 9, as the swiftee wave began to swell. "Whatever happened to the New Seriousness after Sept. 11? And how many people who are feverishly talking up all this nonsense have NOT already long made up their minds on who they're going to vote for?"

This approach is rational and time-saving for both readers and reporters who want to avoid being sucked down political rabbit holes. And yet from the point of view of journalism's institutions, it is utterly irresponsible.

Contradiction? Not at all, though it certainly plays like one in the endless media bias wars, which is where the swift boat story wound up after a single turbulent month.

Individuals cannot reasonably be expected to express an interested opinion on every micro-scandal of the day. That is the daunting task for undaunted talk radio hosts, Web pundits, and bar drunks, and a major reason why such polymathic opinion dispensers rarely provide much more than a light snack for those seeking the nourishment of truth. Their job, usually, is to provide entertainment and oxygen—heat, not light—and they are constrained by neither the manners nor the objective pose of the nonadvocacy media. Conversely, straight reporters and editors, if they are to make the time for mastering their areas of specialization, must routinely blot out everyday political debates.

But their news organizations don't have to. Large newsrooms have the explicit mission and requisite staffing to arbitrate competing claims—or better (from their point of view), to set off the debate with their own groundbreaking investigations. Yet when faced with a dispute as passionate as the one over John Kerry's Vietnam service, many responsible editors throw up their hands and wish poxes on both houses.

"Never, in the best part of two decades, have I had to reject, throw away or send back for rewrite so many letters filled with so many frauds and character assassinations," wrote Tim White, editorial page editor of the Fayetteville, North Carolina, *Observer*, in an exasperated August 15 column. "I have as much respect for the attacks of the Swift Boat Veterans as I have for the barrages of Whoopi Goldberg and Michael Moore. None."

The reaction is tempting but wrong. Michael Moore, sloppy and propagandistic though he is, packages hundreds of facts in his polemic entertainments; he also bellows crucial populist oxygen into perfectly legitimate topics such as the cozy relationship between the Bush dynasty and the vile House of Saud. The Swift Boat Veterans, even while kicking off their campaign with an advertisement that centrist *Slate* columnist Jacob Weisberg decribed as "pack[ing] an impressive amount of deceit into 60 seconds," helped unearth one interesting and potentially important bit of real news: that John Kerry was not in Cambodia on Christmas of 1968, as he

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had claimed at least four times (on the floor of the U.S. Senate, among other places).

Toss out all swift boat letters to the editor in early August, and you were likely to eliminate the chance that the Cambodia news would even be mentioned in the newspaper—at least until Kerry finally roared back at his critics on August 19. "After Kerry," *The Weekly Standard*'s Jonathan Last wrote, "the deluge."

The ensuing output (much mocked by media-baiting bloggers) was quite impressive in its factual scope. It unearthed connections between the Bush campaign and the Swift Boat Veterans, for example, and applied impressive *Washington Post* scrutiny to Kerry's war record. But the news media's reluctance was palpable.

"There are too many places for people to get information," *Chicago Tribune* Managing Editor James O'Shea complained August 24 in *Editor & Publisher Online*, conceding that his paper should have responded earlier. "I don't think newspapers can be the gatekeepers anymore—to say this is wrong and we will ignore it. Now we have to say this is wrong and here is why."

The assumption in the last sentence was widely detectable in the news coverage. It was justified to some extent, given that most of the non-Cambodia-related Swift Boat Veterans mud failed to stick. But it became an excuse to ignore the story in the first place. In an unintentionally hilarious "9-point checklist" for "Swift Boat genre" stories, Aly Colon, "ethics group leader" of the hand-wringing Poynter Institute, wrote that the first four questions a newspaper should ask in such a situation are: "Who's making the accusation/allegation? Why now? To whom are they connected? Where does the accuser's funding come from?" All four just happen make the Swift Boat Veterans look sketchy. Colon left out a question that might be more pertinent: "Is it true?"

None of which is to say that Cambodia story wasn't inflated by a lot of hot air. Indeed, the whole affair illustrated perfectly the paradoxes underlying the escalating conflict between the defensive mainstream media and the people who derisively refer to them as the "MSM."

Bloggers and radio hosts pound newspapers for bias that pales in comparison to their own. The same people who pilloried former *New York Times* Executive Editor Howell Raines for mounting a "crusade" against the Augusta National Golf Club's men-only policy devoted their

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energies to the swift boat story with an obsessiveness impossible to contemplate in a general news publication. The same critics who stomped up and down when the *Los Angeles Times* made the mistake of saying none of the Swift Boat Veterans served on a boat with Kerry (actually, one did) seemed altogether blasé when the coverage for which they'd been begging exposed the accusatory veterans as being very far from scrupulously truthful. (For instance, in the original commercial, military doctor Van O'Dell said, "John Kerry lied to get his Bronze Star....I know, I was there, I saw what happened." In fact he wasn't there, neither when Kerry was wounded nor when he gave his account of the incident.)

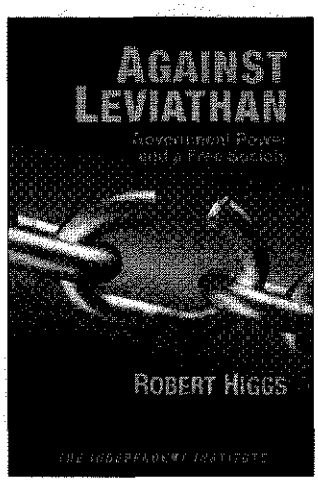
Then came the insults, the accusations, and the sky-is-falling hyperbole. "This story...reveals just how in the tank for the Democrats the mainstream media are, and how little the vaunted Cronkitean claims of objectivity and research and factual accuracy really mean when the chips are down," Glenn Reynolds wrote on August 19. "The 'Fourth Estate' is a big part of the unelected Permanent Government that in many ways does more to run the country than the politicians. And it's unraveling before our very eyes, which I think is the biggest story of the election so far."

Later that day, Roger Simon warned darkly of the escalating battle between the MSM and critics like him: "A war is on, ladies and gentlemen, and as with most semi-normal people involved in a war, I don't feel particularly comfortable in it—and not, obviously in this case, because I might get shot."

There's a double standard at work here that news organizations are going to have to get used to. Reynolds and Simon (who are both friends of mine) play a different role than *The Washington Post*. If they want to obsess and huff and hypothesize and accuse, well, they're just guys with Web sites, like drunks in a bar that holds 10,000 comparatively influential people.

Newspapers, on the other hand, sell themselves as giving us the news, and part of that job includes the messy work of separating factual wheat from partisan chaff. Sorting out how (if at all) to emphasize the results is an ever-elusive art, but ignoring all criticism just because some of it is loud and overheated prevents the mainstream media from doing what they are in the unique position of doing best. ▮

Contributing Editor Matt Welch (mwelch@reason.com) writes for Canada's National Post.



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—**RON PAUL**, U.S. Congressman

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Defending Repression

Why are conservatives trying to rehabilitate McCarthyism and the Japanese internment?

DURING WORLD WAR II, the U.S. government interned about 120,000 ethnic Japanese living in America, two-thirds of whom were U.S. citizens. This is almost universally regarded as a shameful blot on America's history, a cautionary tale of racism, paranoia, and wartime hysteria. In 1988 President Reagan called it "a grave wrong" and signed legislation authorizing $20,000 in reparations to each surviving internee.

In 2000 another eminent conservative, Supreme Court Justice Antonin Scalia, assailed his colleagues' ruling striking down Nebraska's late-term abortion ban by likening it to *Dred Scott* and *Korematsu*, the rulings which upheld the constitutionality of, respectively, slavery and the Japanese-American internment.

So it takes some nerve to pen a defense of this reviled policy—which is exactly what the author and syndicated columnist Michelle Malkin did recently, in a new book titled *In Defense of Internment: The Case for "Racial Profiling" in World War II and the War on Terror*. Malkin's argument is closely tied to post-September 11 debates about ethnic, racial, and religious profiling as a "homeland security" measure.

Inevitably, critics have raised the Japanese internment as an extreme case of racial profiling gone awry. Malkin believes our safety is being compromised because any common-sense proposal that involves profiling—be it extra-vigilant screening of Middle Eastern passengers at airports, targeted monitoring of visitors with guest visas from countries with terrorist links, or special scrutiny of Muslim chaplains in the armed forces—is shouted down by invoking the specter of internment camps. And it's true that internment parallels have been frivolously and promiscuously thrown about in this debate. One would think, though, that if you truly wanted to counter such slippery-slope hyperbole about ethnic or religious profiling, the last thing you'd want to do would be to defend internment. It's a bit like trying to counter arguments that legalized abortion leads to acceptance of infanticide by publishing a tract in defense of infanticide. Malkin's calculus, however, is different: She hopes that if Americans can be persuaded to get over the Japanese internment guilt complex, the profiling of Arab Americans and Muslims will become more acceptable.

To counter this guilt complex—peddled, according to Malkin, by high school textbooks, universities, ethnic activists, politicians, and the media—Malkin sets out to debunk what she describes as politically correct myths about internment: that it was motivated primarily by racism and hysteria, that there was no national security justification for it, and that the relocation and internment camps were Nazi-style death camps. (It's not clear who has ever made that last claim. Malkin asserts simply that such images are evoked today by the use of the term *concentration camp*, a phrase that was actually used by U.S. authorities at the time.)

The truth, Malkin contends, is that the U.S. leadership had ample reason to fear sabotage and espionage by ethnic Japanese—particularly on the basis of intelligence data declassified years after the war, from decoded Japanese diplomatic communications—and didn't have the ability or the resources to assess individual risk.

As historical revisionism, *In Defense of Internment* largely falls flat. (You can go to isthatlegal.org for two scholars' critique of the book, and to Malkin's own site,

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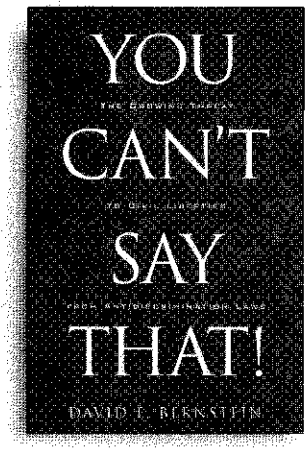

In a misguided attempt to eradicate every vestige of "discrimination" in our society, activists and courts are using antidiscrimination laws to erode civil liberties such as free speech, the free exercise of religion, and freedom of association. Civil rights laws today are being applied in ways that threaten free speech on campus and in the workplace, the right of local community activists to speak out against government policies, the rights of private associations such as the Boy Scouts to determine their membership policies, and even the rights of individuals to choose their roommates.

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michellemalkin.com, for her replies. **reason** will review the book in an upcoming issue.) Malkin does demonstrate that there were instances of disloyalty by Japanese aliens and Japanese Americans during the war, and that the Roosevelt administration had evidence that the Japanese military was seeking, apparently with some success, to recruit agents in the Japanese community on the West Coast of the United States. But she never justifies a response as extreme, and as offensive to the most basic notions of justice and human rights, as mass internment.

Of the anti-Japanese bigotry that was pervasive in America and especially on the West Coast even *before* Pearl Harbor, and was whipped up into virulent hate by a propaganda campaign after the start of the war, Malkin says nary a word.

Responding to critics on her blog, she suggests she didn't need to address the issue of racism because her whole point was to disprove the "myth" that it was a dominant factor in the internment. (In other words, if you decide to write a book debunking the notion that obesity causes heart disease, you can omit any mention of obesity in your examination of risk factors. Makes sense.)

In the same vein, Malkin gives only passing mention to such unpleasantness as shootings of internees by camp guards but discusses at length the amenities offered in the camps and the petty complaints of some internees.

In a way, *In Defense of Internment* follows in the footsteps of another recent famous (or infamous) right-wing tome: last year's *Treason*, by Ann Coulter, which undertook the rehabilitation of Sen. Joseph McCarthy and a debunking of "the myth of 'McCarthyism.'" McCarthy, Coulter proclaimed, was a true hero in the struggle against communism, and the only unjust persecution was that of Tail Gunner Joe himself by his left-wing, America-hating enemies.

There's a strong parallel between Coulter's apologia for the anti-communist witch hunts and Malkin's apologia for the Japanese-American internment: In both cases, there was a genuine national security risk *and* a wrongheaded, hysterical government response that did grave damage to the very freedoms it was supposed to protect.

Notably, Coulter's harshest critics include anti-communist historians, such as Ronald Radosh and Harvey Klehr, who have taken a lot of flak from their left-wing colleagues for daring to say that Soviet espionage really was a serious threat and that many American Communists targeted as Soviet agents really were guilty. Radosh referred to *Treason* as "crap" on Andrew Sullivan's weblog, expressing dismay that Coulter drew on his work to support her "ludicrous" arguments. Klehr, writing in *The New Republic*, dismissed her book as a "crass apologia for McCarthyism."

Why the rush to defend what was only recently seen, across the political spectrum, as indefensible? Partly, it's the sheer appeal and satisfaction of skewering sacred cows, liberal ones especially—and there are, God knows, so many that deserve skewering. Indeed, in the case of McCarthyism, the stubborn blindness of leftists and many liberals both to the brutality of the Soviet regime and to the extent of Soviet espionage during

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the Cold War undoubtedly helped create fertile ground for Coulter-style polemics.

A similar dynamic may be at work with the Japanese internment issue. Some of the history textbooks Malkin indignantly quotes probably do err on the side of dismissing all World War II–era concerns about subversive activities by Japanese ethnics as unfounded paranoia. The weakness of this position creates an opening for revisionism, including the radical revisionism of *In Defense of Internment*.

It is useful, too, to remember that defending the indefensible has long been a popular sport on the left, whose own revisionist historians are busy trying to sugarcoat not McCarthyism but Stalinism. (See "Fools for Communism," April 2004.)

Also at work, however, is the dark side of modern American conservatism. The left's obsession with America's allegedly unique evilness, and in particular with real or imagined racism, has prompted a fully justified backlash. But that backlash can morph into an ugly and disturbing mind-set—one that regards all efforts to confront America's past wrongs as the province of sissy liberals and wild-eyed lefties.

As the revisionists plow ahead, sometimes one wants to ask, "Have you no sense of decency, folks, at long last? Have you left no sense of decency?" ▫

Contributing Editor Cathy Young (CathyYoung1@cs.com) is a columnist for the Boston Globe.

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Talk Like an Egyptian

Is Arab popular culture uniformly anti-American?

In August *The Washington Post* ran a front-page story about the rising popularity of anti-American themes in Egyptian pop culture, offering as its lead example the latest work by Egypt's best-known filmmaker, Youssef Chahine. Entitled *Alexandria...New York*, the movie is "a cinematic divorce paper," according to the *Post*. "Chahine said he had long admired the United States and its biggest city," wrote reporter Daniel Williams, "but now he has made a film brimming with resentment."

Is that so? Spare me Chahine's supposedly lost admiration. The last time I saw Chahine take up the subject of the U.S. he once "admired" so much, he portrayed the country as an old whore pandering to Jews.

That's the concluding scene of his 1978 "masterpiece," *Alexandria...Why?* That film, which attempts a series of parallel plots, offers the story of a young Egyptian actor in the 1940s who wants to come to the U.S. At the movie's end, he's on a ship approaching New York. But when Chahine shows us a close-up of the Statue of Liberty (the shot involves an actress in costume), she turns out to be an overage, overweight, overpainted harlot, and she's welcoming not the Egyptian student but an arriving group of European Hasidic Jews, complete with long side curls.

The whorish Ms. Liberty laughs lasciviously, exposing her mouthful of bad teeth, while a Jewish chant is playing on the soundtrack. That's what Chahine thought of the U.S. some 25 years ago.

Yet in its effort to demonstrate that the overthrow of Saddam Hussein has turned the whole Arab world, including such one-time "admirers," against the U.S., the *Post* allowed Chahine to strike a self-serving pose of regretful lost love.

Here's a sample passage: "'I don't know if this is a final divorce,' Chahine, 78, said as he smoked cigarettes against the wishes of attentive aides. 'I think about the friends I have had in America every day. It was in New York where I saw the greatest plays. I saw Sinatra at the Paramount.'" Please.

Most of the rest of the *Post*'s story was about singer Shaaban Abdel Rehim and his anti-American songs. Abdel Rehim, a former wedding singer who has cornered the subgenre of paranoid hate pop, is pretty useful to these hand-wringing "they-hate-us" press accounts. In March 2003, for example, *Post* reporter Anthony Shadid filed a story from Jordan that was also about inflamed Arab anti-Americanism, and his story was mostly about Abdel Rehim.

The singer is best known for his 2001 toe tapper "I Hate Israel!" (which was followed up by something called "I Will Quit Smoking!"). What do Arabs think of him? He's so admired in the region that, the last time I looked, he couldn't find an actress to co-star in a proposed movie. Last year a long string of actresses protected their own careers by publicly refusing to work with him. Indeed, if the Mideast's celebrity press is to be believed, one Egyptian woman singer actually sued a pair of journalists who called her the "female Rehim." Many Arabs may well embrace the anti-American themes in Rehim's music, but much of his own celebrity springs from the outsized persona he projects: that of an aggressive slob.

Yeah, there's anti-Americanism in Egyptian pop culture. Stop the presses! Yet last Ramadan, *Aunt Noor*, a serial drama that starred actress Nabila Obeid, drew a huge audience with a quite friendly view of the U.S. Why doesn't somebody at the *Post* call her? The noted playwright Ali Salem remains an important figure despite his anti-Arabist views. Why not call him? The popular Moroccan singer Samira Sayeed has called for an end to mindless anti-American lyrics. Where's her voice?

For that matter, a call to Damascus will get you the Syrian actor and writer Yasser Al-Azmeh, who has actually made anti-American posturing among Arabs the subject of his stinging satire. Al-Azmeh could no doubt have fun at the expense of a self-flagellating—and posturing—U.S. press, too. ■

Charles Paul Freund (cpf@reason.com) is a reason *senior editor.*

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WHO'S GETTING YOUR VOTE?

reason's revealing presidential poll

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VOTING FOR PRESIDENT IS A LOT LIKE SEX—and not just because it takes place once every four years in the solitude of a semi-private booth. Both are intensely personal activities that nonetheless can have profound public consequences. We might add that both often involve drug-and-alcohol-fueled delusions and morning-after feelings of guilt, shame, and recrimination.

As Campaign 2004 entered its home stretch, we asked a variety of policy wonks, journalists, thinkers, and other public figures in the **reason** universe to reveal for whom they were voting this fall, for whom they pulled the lever last time around, their most embarrassing presidential vote, and their favorite president of all time. Their answers, as of late August, follow.

—The Editors

PETER BAGGE

Contributing Editor Bagge is best known as author of the alternative comic book Hate.

2004 vote: If it looks like my home state could go either way by Election Day, I'll vote for John Kerry. Otherwise I'll vote for the Libertarian Party's candidate, Michael Badnarik. That's been my M.O. every election year, since the Democratic candidate usually strikes me as the lesser of two evils (if not by much).

2000 vote: Harry Browne.

Most embarrassing vote: Every time I've voted for a major-party candidate I've felt embarrassed. I vaguely recall voting in '88 for Michael Dukakis, whose only positive attribute was that his last name wasn't Bush (as is the case with John F. Kerry).

Favorite president: George Washington, for actually *refusing* to assume as much power as he could have gotten away with. I can't think offhand of another president that could be said about.

RONALD BAILEY

Bailey is **reason***'s science correspondent.*

2004 vote: I'm undecided between Republican George W. Bush and Libertarian Michael Badnarik. Bush has been a great disappointment. But Kerry will be even worse—raising taxes, overregulating, and socializing more of medicine. What to do?

2000 vote: George W. Bush. I couldn't possibly have voted for Gore since he dislikes me personally. Besides, I was presciently worried (you can ask my wife) about a popular vote/electoral vote mismatch.

Most embarrassing vote: George McGovern, 1972. I was 18 and thought I was a socialist.

Favorite president: George Washington. The man spurned being made king and stepped peacefully down from office.

JOHN PERRY BARLOW

Barlow is a songwriter for the Grateful Dead and other bands, the co-founder and vice chair of the Electronic Frontier Foundation, and a Berkman Fellow at Harvard Law School.

2004 vote: I'm voting for John Kerry, though with little enthusiasm. This is only because I would prefer almost anything to another four years of George W. Bush. I don't believe the Constitution, the economy, or the environment can endure another Bush administration without sustaining almost irreparable damage.

2000 vote: John Hagelin of the Natural Law Party. I discovered, in the voting booth, that

Clockwise from top left: John Kerry, © U.S. Newswire; George Bush, © EPA/Craig Lassig; Ralph Nader, © Zuma Press; Michael Badnarik

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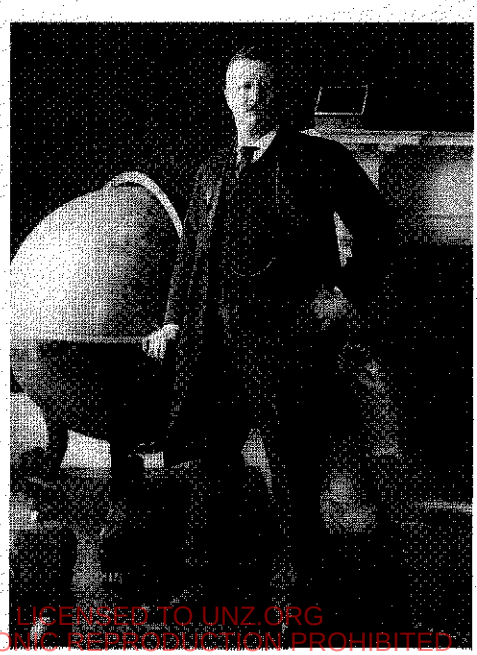
P.J. O'Rourke is voting for Bush: "I always vote Republican because Republicans have fewer ideas. Although, in the case of George W., not fewer enough."

a friend of mine was his vice presidential candidate. I couldn't bring myself to vote for Bush, Gore, or Nader and had intended to cast no presidential vote.
Most embarrassing vote: I'm embarrassed for my country that in my entire voting life, there has never been a major-party candidate whom I felt I could vote for. All of my presidential votes, whether for George Wallace, Dick Gregory, or John Hagelin, have been protest votes.
Favorite president: Jefferson, who defined, in his works and in his person, just about everything I love about America.

James Bovard

Bovard is author of The Bush Betrayal (Palgrave Macmillan) and seven other books.
2004 vote: I will probably vote for Badnarik, the Libertarian Party candidate. Both of the major-party candidates brazenly flaunt their contempt for the U.S. Constitution. Regardless of who wins in November, the U.S. likely will have a lousy president for the next four years.
2000 vote: I abstained.
Most embarrassing vote: I voted for Gerald Ford in 1976. He was not that embarrassing, compared to Jimmy Carter. And compared to George W. Bush, Ford was verbally graceful.
Favorite president: It might be a coin toss between Washington and Jefferson. Washington set a magnificent example of self-restraint, protecting the new nation from both his own power lust and unnecessary wars (despite foolish popular demands). Jefferson masterfully reined in the federal government from the tyrannical Alien and Sedition Act persecutions that John Adams launched.



Theodore Roosevelt, Library of Congress

Stewart Brand

Brand is the founder of the Whole Earth Catalog and the Long Now Foundation. He is the author of, among other books, The Media Lab (Viking) and How Buildings Learn (Penguin).
2004 vote: Kerry. He's knowledgeable enough and appears to do well in crunches. He has the skills and connections to begin to undo the damage of the Bush years. He's highly ambitious, which is fine with me. And he personally killed a man who was trying to kill him and his crew. You could also say he personally attacked a government that was trying to kill his generation. Those actions take sand. Too bad they won't come up in the debates.
2000 vote: Al Gore.
Most embarrassing vote: Lyndon Johnson.
Favorite president: Theodore Roosevelt for a fine blend of intellect and *zzzzzest*, tied with Bill Clinton for the same reasons.

Drew Carey

Carey stars in Drew Carey's Green Screen Show, beginning October 7 on the WB.
2004 vote: Quit pretending that it matters, would you? Can you vote for all the nefarious cabals that really run the world? No. So fuck it.
2000 vote: I voted Libertarian, for all the good it did me.
Most embarrassing vote: Is it considered embarrassing to cast a vote out of principle for someone you know doesn't have a snowball's chance of winning? Oh, OK. Then they're all embarrassing.
Favorite president: Andrew

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Jackson, because he's what a lap dance costs (and because, ironically, he opposed having a National Bank).

Tim Cavanaugh

Cavanaugh is **reason***'s Web editor.*

2004 vote: Michael Badnarik, because he's Not Bush either.

2000 vote: Ralph Nader.

Most embarrassing vote: Dukakis in 1988. I thought he looked cool in that tank!

Favorite president: If we can't count John Hanson, then Warren G. Harding; would that they could all achieve so little.

Steve Chapman

Chapman is a columnist and editorial writer for the Chicago Tribune.

2004 vote: I haven't decided between John Kerry and Michael Badnarik. I have only the dimmest hopes for a Kerry presidency, but I think Bush has to be held accountable for Iraq, the worst foreign policy blunder since Vietnam, and the accelerated growth of the federal government.

2000 vote: Harry Browne, in keeping with my usual (though not automatic) practice of voting for the Libertarian presidential nominee.

Most embarrassing vote: Richard Nixon, in my first election, 1972, an experience that helped estrange me permanently from the Republican Party.

Favorite president: Thomas Jefferson, who took great and justified pride that as president, he eliminated internal taxes and avoided war, and who peacefully doubled the size of the young nation.

Brian Doherty

Senior Editor Doherty is author of This Is Burning Man (Little, Brown).

2004 vote: I am a principled nonvoter. If I were forced to vote at gunpoint, I'd pick the Libertarian Party's Michael Badnarik, whose views on the proper role of government most closely resemble mine.

2000 vote: I did not vote. Those who vote have no right to complain.

Most embarrassing vote: I've been saved the embarrassment of ever having to feel any sense of responsibility, of even the smallest size, for the actions of any politician.

Favorite president: In their roles as president, I can't be an enthusiastic fan of any of them, but for his role in crafting the Constitution, a document that held some (unrealized) promise to limit government powers, James Madison.

Richard Epstein

Epstein is a professor of law at the University of Chicago and author, most recently, of Skepticism and Freedom: A Modern Case for Classical Liberalism (University of Chicago).

2004 vote: I don't know who the Libertarian candidate is this time, but you can put me down as voting for him; anyone but the Big Two. As far as I can tell, the debate thus far has borne no relation to the important issues facing the nation...except Vietnam. It's just two members of the same statist party fighting over whose friends will get favors.

2000 vote: I can't remember.

Most embarrassing vote: Since I don't remember who I vote for from one election to the next, it's hard to say. I suppose Richard Nixon in '72, though that doesn't mean I'd want to have voted for George McGovern either.

Favorite president: I'm certainly a Calvin Coolidge fan; he made some mistakes, but he was a small-government guy.

Charles Paul Freund

Freund is a senior editor at **reason**.

2004 vote: I'm still thinking about it.

2000 vote: Harry Browne.

Most embarrassing vote: Andre Marrou.

Favorite president: I have no favorite president.

Glenn Garvin

Contributing Editor Garvin, author of Everybody Had His Own Gringo: The CIA and the Contras (Brassey's), writes about television for The Miami Herald.

2004 vote: I live in Florida. My votes are randomly assigned based on the interaction of our voting machines, the Miami-Dade Election Commission, and passing UFOs.

2000 vote: See above.

Most embarrassing vote: My presidential record is solid.

Calvin Coolidge, Library of Congress

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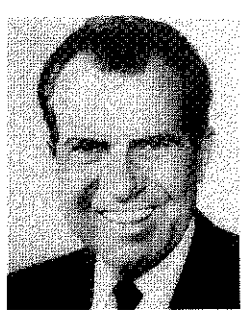
However, I once cast a write-in ballot for *Dynasty*'s Joan Collins for Congress. It was an immature act, insulting to America's democratic institutions, and I regret it. Upon reflection, *China Beach*'s Dana Delany would have been a more deserving choice.
Favorite president: William Henry Harrison caught pneumonia while delivering his inaugural address, lay in bed barely conscious for six weeks, and then died, his presidency having done hardly any damage to the country.

Robert A. George

George is a New York Post columnist, West Indian Catholic stand-up comic, and recovering Republican flunky.
2004 vote: Living in a maximum blue state allows me to vote my conscience. Rather than vote for an entitlement-expanding, tariff-imposing, deficit-increasing, big-government Johnson Republican or an entitlement-expanding, tariff-imposing, tax-increasing, big-government Nixon Democrat, I will vote for Libertarian Party candidate Michael Badnarik.
2000 vote: Harry Browne. Bush's last-second evasiveness on his DUI arrest was too reminiscent of the slippery tongue of the guy about to leave office. Bob Jones University didn't help either.
Most embarrassing vote: Never actually did it, but had I been a citizen the year I turned 18 (1980), I would have (gulp!) voted for Jimmy Carter. It's the secret shame I have carried around for decades.
Favorite president: Abraham Lincoln, for proving that it's best to keep the band together despite many years of creative differences. (Had the Beatles followed his example, the world would have been a much better place.)

Nick Gillespie

Gillespie is editor of **reason** *and of the new anthology Choice: The Best of Reason (BenBella Books).*
2004 vote: Probably no one but maybe Badnarik, if only to register dissent from the Crest and Colgate parties.
2000 vote: Harry Browne, I think, but possibly no one.
Most embarrassing vote: In 1984, the first time I could vote for president and the only time I've voted for a major-party candidate, I cast a ballot for Walter Mondale. I empathize with complete losers, and a guy whose only memorable campaign line—"Where's the beef?"—came from a Wendy's commercial (not even a McDonald's spot!) was a loser of historic proportions.
Favorite president: Richard Nixon, who has done more in my lifetime than any other U.S. pol to discredit the idea that government should wield massive and unexamined power over citizens.



Mike Godwin

Contributing Editor Godwin is legal director of Public Knowledge.
2004 vote: Kerry. Let's put it this way: After four years of Bush, the Republican Party has become an example of a political machine out of control. Everything they used to decry—reckless foreign intervention, fiscal irresponsibility, deficit spending—they now represent. You don't have to love Kerry or the Democrats to think it's time for a change. Worst case, at least we'd get divided government for four years.
2000 vote: Gore, only because as a Texan I already had strong reservations about George W. Bush.
Most embarrassing vote: Not a one.
Favorite president: I have a lot of fondness for Theodore Roosevelt: In him you had a strong, articulate president who never thought he lost manhood points by being pro-environment. I also like Eisenhower; he presided over a strong American response to a very polarized East-West world.

Nat Hentoff

Hentoff, a nationally syndicated columnist, writes regularly for both the Village Voice and The Washington Times. An expanded paperback edition of his book The War on the Bill of Rights and the Gathering Resistance (Seven Stories Press) will be released this fall.
2004 vote: I'm not voting for anyone at the top of the ticket. I can't vote for Bush, who supports Ashcroft's various "revisions" to the Bill of Rights, since our liberties are what we're supposed to be fighting for. As for Kerry, I think he's an empty suit: How much time did he give his years in the Senate in his convention speech, about 40 seconds?
2000 vote: I voted for Nader last time. But he wants to pull the troops out of Iraq, which would lead to a state of nature like Thomas Hobbes had; it would be disastrous. He's also become part of the bash-Israel crowd, and to

Joan Collins, © EPA/Maurice McDonald; Richard Nixon, Library of Congress

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Drew Carey's favorite president is Andrew Jackson: "Because he's what a lap dance costs (and because, ironically, he opposed having a National Bank)."

get on ballots he's been cooperating with Lenora Fulani, who has been accused of harboring anti-Semitic biases.
Most embarrassing vote: Well, I didn't mind voting for Nader in 2000, because Gore had a whole series of empty suits during that campaign, and I didn't think much of Bush either. I can't think of any votes I'm particularly embarrassed about.
Favorite president: FDR. He could have done much more to help the victims of the Holocaust, but he did act decisively (if trickily) to take us into the war, which was essential. Otherwise we'd all be speaking German. And as Cass Sunstein has pointed out, FDR was the one who laid out a "second bill of rights," with economic freedoms like a right to decent housing.

Robert Higgs

Higgs is a senior fellow in political economy at the Independent Institute and author, most recently, of Against Leviathan (Independent Institute).
2004 vote: I never vote. I don't wish to soil my hands.
2000 vote: Had I been forced to cast a ballot for president in the 2000 election, I might have died of septicemic disgust.
Most embarrassing vote: I voted only once in a presidential election, in 1976, and I did so on that occasion only so that I could irritate my left-liberal colleagues at the University of Washington by telling them that I had voted for "that idiot" Gerald Ford.
Favorite president: Grover Cleveland, because he, more so than any of the others, acted in accordance with his oath to preserve and protect the Constitution, despite great pressures to act otherwise.

Penn Jillette

Jillette is the larger, louder half of the comedy/magic team Penn & Teller and star of Showtime's Penn & Teller: Bullshit!
2004 vote: I'm undecided (always the stupidest position). I might do the moral thing and not vote at all, or do the sensible thing and vote Libertarian (Badnarik, right?), or I might make 100 bucks from my buddy Tony and vote for Bush. (I told Tony that Bush and Kerry were exactly the same, and he bet me 100 bucks that I didn't believe that enough to really truly vote for Bush.) But if you want to be pragmatic, I'm in Nevada, so who cares?
2000 vote: Harry Browne!
Most embarrassing vote: I must have voted Republicrat at least once, but voting is secret—the Founding Fathers didn't want us to be embarrassed by our evil pasts.
Favorite president: Teller (he's president of Buggs and Rudy Discount Productions [Penn & Teller's company]), because he can lie without saying a word.

George Washington, Library of Congress

Dave Kopel

Kopel is research director of the Independence Institute in Golden, Colorado.
2004 vote: George Bush. This will be the first election in which I have ever voted for a Republican for president. We're in a war in which the survival of civilization is at stake, and Bush is the only candidate who realizes the gravity of the danger we face and who is determined to win World War IV.
2000 vote: Ralph Nader.
Most embarrassing vote: Harry Browne, 1996.
Favorite president: George Washington, for leading the nation through extremely perilous times, and for setting

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Camille Paglia's most embarrassing vote was Bill Clinton the second time: "Because he did not honorably resign when the Lewinsky scandal broke and paralyzed the government, leading to our blindsiding by 9/11."

the highest standard of personal conduct and patriotic leadership.

John McClaughry

Contributing Editor McClaughry, a senior policy adviser in the early Reagan White House, is president of the Ethan Allen Institute in Vermont.

2004 vote: George W. Bush. Unlike his opponents, he at least understands that only America can defeat militant Islam by a combination of military force and the ideology of freedom. At home, his recent advocacy for "a new era of ownership" promises the only way out of statist stagnation.

2000 vote: Bush.

Most embarrassing vote: Nixon, 1972.

Favorite president: Jefferson. He respected the Constitution, shrank government, slashed taxes, paid cash for Louisiana, hammered the Algerine pirates, reined in the judiciary, and began to extinguish the national debt.

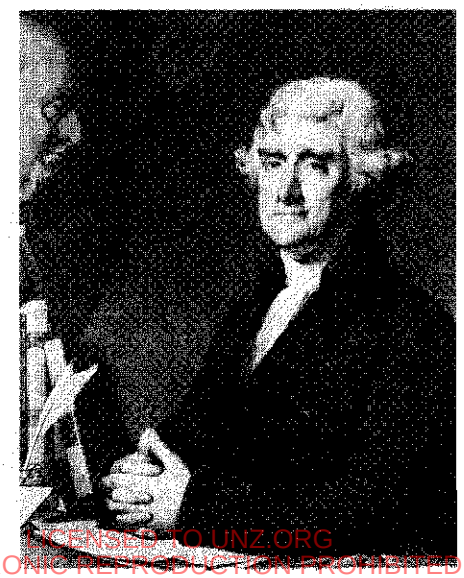
Deirdre McCloskey

Contributing Editor McCloskey teaches economics, history, English, communications, and anything else they tell her to teach at the University of Illinois at Chicago.

2004 vote: Can you believe this? The last time I voted for anyone but a Libertarian was for George McGovern in 1972, against the war. This time, another Democrat gets it—though as an economist I know it's irrational to vote at all.

2000 vote: For whomever the Libertarian Party candidate was. You expect me to remember?

Most embarrassing vote: Lyndon Johnson in 1964, my very first vote. Because Goldwater was scary. Did I know scary?



Thomas Jefferson, Library of Congress

Favorite president: Speaking of scary, the office is. So the least effective: Warren Harding.

Wendy McElroy

McElroy is a Fox News columnist, the editor of ifeminists.net, and a fellow at the Independent Institute.

2004 vote: I'm voting for No One for at least three reasons: 1) As a Canadian, I am spared the insulting process of punching a ballot to express which power glutton should prevail; 2) as an anarchist, I refuse to legitimize the process that puts anyone in a position of unjust power over people's lives; and 3) as a practical matter of value returned for effort, the time is better spent enjoying family or working.

2000 vote: No One. I admit to being so anti-Clinton and so appalled by the prospect of political correctness continuing that I uttered out loud "anyone but Gore"—which, in practical terms, meant Bush. Those famous last words are right up there with Socrates saying, "I drank *what*?"

Most embarrassing vote: I have never voted in a political proceeding. But when I first became a libertarian while living in California, I did support the Libertarian Party candidate. This would be more embarrassing if I had not learned from my mistake. The lesson: It is not the particular man in power that I oppose but the power itself, which is unjust. As a matter of logic, if nothing else, I cannot oppose the office as illegitimate while waving a straw hat and yelling, "Elect my man to it!"

Favorite president: Thomas Jefferson in his first term because he did less harm than any other president.

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Charles Murray

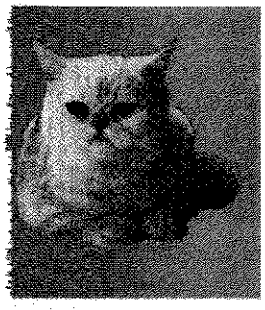
Murray is W.H. Brady Scholar at the American Enterprise Institute and author, most recently, of Human Accomplishment (HarperCollins).

2004 vote: Reluctantly—very reluctantly—George Bush. I find the Democrats so extremely obnoxious that I have to vote against them, and I can't do that voting Libertarian.

2000 vote: Harry Browne.

Most embarrassing vote: For Bob Dole in 1996, because I found Bill Clinton so extremely obnoxious that I had to vote against him. Probably my 2004 vote will be my second most embarrassing ballot.

Favorite president: Gotta be George Washington. He was acutely conscious that everything he did would be a precedent, and just about every choice he made was right.



P.J. O'Rourke

O'Rourke is H.L. Mencken Research Fellow at the Cato Institute and author, most recently, of Peace Kills (Atlantic Monthly Press).

2004 vote: George W. Bush, because I don't want Johnnie Cochran on the Supreme Court.

2000 vote: George W. Bush. (I always vote Republican because Republicans have fewer ideas. Although, in the case of George W., not fewer enough.)

Most embarrassing vote: A 1968 write-in for "Chairman Meow," my girlfriend's cat. It seemed very funny at the time. As I mentioned, this was 1968.

Favorite president: Calvin Coolidge—why say more?

Camille Paglia

Paglia is a professor of humanities and media studies at the University of the Arts in Philadelphia.

2004 vote: John Kerry. In the hope that he will restore our alliances and reduce rabid anti-Americanism in this era of terrorism when international good will and cooperation are crucial.

2000 vote: Ralph Nader. Because I detest the arrogant, corrupt superstructure of the Democratic Party, with which I remain stubbornly registered.

Most embarrassing vote: Bill Clinton the second time around. Because he did not honorably resign when the Lewinsky scandal broke and instead tied up the country and paralyzed the government for two years, leading directly to our blindsiding by 9/11.

Favorite president: John F. Kennedy. Not that he accomplished much. But he was the first candidate I campaigned for as an adolescent, and I still admire his articulateness and vigor. The Kennedys gave the White House sophistication and style.

Steven Pinker

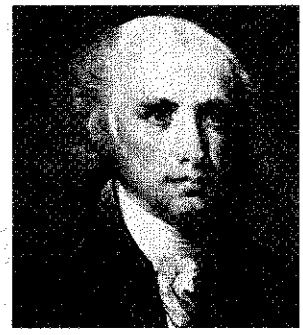
Pinker is Johnstone Professor of Psychology at Harvard and author of The Blank Slate (Penguin), How the Mind Works (W.W. Norton), and The Language Instinct (HarperCollins).

2004 vote: Kerry. The reason is reason: Bush uses too little of it. In the war on terror, his administration stints on loose-nuke surveillance while confiscating nail clippers and issuing color-coded duct tape advisories. His restrictions on stem cell research are incoherent, his dismissal of possible climate change inexcusable.

2000 vote: Gore, with misgivings.

Most embarrassing vote: I left Canada shortly after turning 18 and became a U.S. citizen only recently, so I haven't voted enough to be too embarrassed yet.

Favorite president: James Madison, for articulating the basis for democracy in terms of the nature of human nature.



John J. Pitney Jr.

Contributing Editor Pitney is a professor of government at Claremont McKenna College and author of The Art of Political Warfare (University of Oklahoma Press).

2004 vote: I'm voting for Bush. He cut taxes. Kerry would raise them.

2000 vote: Bush. Former **reason** Editor Virginia Postrel put it well: "Bush is a mixed bag. But I think Al Gore is the devil."

Most embarrassing vote: I'm comfortable with my presidential votes in general elections. In 1980, though, I hesitated to back Reagan in the primaries because I didn't think he would win in November. Oops.

Favorite president: Abraham Lincoln preserved the Union and wrote some of the most beautiful prose that ever came from an American pen.

Bob Poole

Poole is the founder, former president, and current director of transportation studies at the Reason Foundation. He served on the Bush-Cheney transportation policy task force during the 2000 campaign and on the administration's transition team.

2004 vote: Bush, reluctantly, despite his troubling expan-

James Madison, Library of Congress

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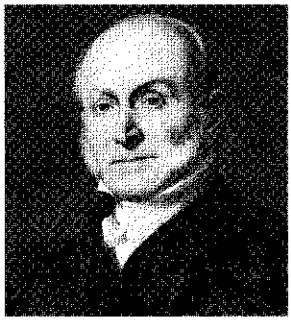
sions of the federal government and threats to civil liberties. The alternative is simply worse. We elect not an individual but a consulting team, and we'll have a far better team in place with Bush than with Kerry.
2000 vote: Bush.
Most embarrassing vote: Richard Nixon in 1968. What a disaster! But at least he kept his promise to eliminate the draft.
Favorite president: Thomas Jefferson, despite his flaws, for his intellect, limited government philosophy, and strong support for separation of church and state.

Jonathan Rauch

Rauch is a correspondent for The Atlantic and a columnist for National Journal.
2004 vote: I'll recuse myself from this...I never tell my vote. A journalist thing.
2000 vote: See above.
Most embarrassing vote: See above.
Favorite president: Lincoln. All the usual reasons. Favorite prez of past 40 years: Bush 41. Beats Reagan and everybody else hands down.

John Rennie

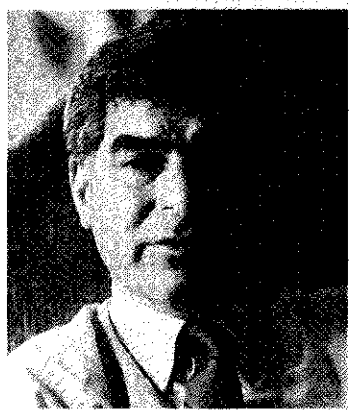
Rennie is editor-in-chief of Scientific American.
2004 vote: John Kerry. Anybody who has seen *Scientific American*'s editorials during the last few years knows we're deeply unhappy with the de facto anti-scientism of the current administration. Science shouldn't trump all else in setting policy, but it would be a nice change of pace for a White House to put science ahead of ideology again. Of course, I'm keeping my expectations low.
2000 vote: Remember that guy? The one that everybody said claimed to have invented the Internet, except he hadn't said that at all? He seemed good.
Most embarrassing vote: Back in college in 1980, flushed with youthful sanctimony, I voted for John Anderson. The voting booth is a bad place to be an idealist. But at least when I threw my vote away on a third-party candidate, it was irrelevant.



Favorite president: John Quincy Adams showed that it was possible for the son of a president to rise to that same office in a highly disputed election without being remembered as a dangerous embarrassment.

Glenn Reynolds

Reynolds, a professor of law at the University of Tennessee, publishes InstaPundit.com.
2004 vote: Most likely George Bush, and for one reason: the war. I'm having trouble trusting Kerry on that.
2000 vote: Harry Browne.
Most embarrassing vote: Dukakis, '88.
Favorite president: Calvin Coolidge, who knew his limitations.



Louis Rossetto

Along with his partner Jane Metcalfe, Rossetto started Wired.
2004 vote: Bush may be wrong about everything else, but he is right about the issue that matters most for my children's future: stopping Islamic fascism. And Manchurian candidate Kerry and the Copperheads, er, Democrats, are just a joke, preferring to act as though this probably generation-spanning war is about politics, not the survival of the West.
2000 vote: I am proud to say that I have never voted for president in my life, despite having eight opportunities to do so, and really resent being forced to do so now.
Most embarrassing vote: This one—but the alternative of not voting and allowing a billionaire currency speculator like George Soros to pick the next U.S. president is too dire to contemplate.
Favorite president: Chauncey Gardner, from *Being There*. He was even less verbose than my next favorite president, Calvin Coolidge.

Julian Sanchez

Sanchez is **reason***'s assistant editor.*
2004 vote: Kerry would get my vote if I didn't live in the District of Columbia, but the prospect of raising his total from 94.0001 percent to 94.0002 percent isn't quite enough to lure me to the polls. Badnarik is embarrassing, and Bush is so egregiously dishonest and destructive that even electing a mannequin like Kerry is an acceptable price of ousting him.
2000 vote: I didn't vote, though (to my shame, in retrospect) I was optimistic about G.W. Bush after the convention speeches, where all that focus on Social Security reform, educational choice, and "humble" foreign policy

Michael Dukakis, © Arthur Grace/ZUMA Press; John Quincy Adams, Library of Congress

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Richard Epstein doesn't know who the Libertarian is, but he's voting for him: "Anyone but the Big Two. They're just two members of the same party fighting over whose friends will get favors."

led me to think he might do some net good.

Most embarrassing vote: I've managed to spare myself that particular breed of embarrassment by not voting. Blessed are the apathetic, for they get the better even of their political blunders.

Favorite president: Grover Cleveland, who vetoed a popular agricultural assistance bill with the phrase, "Though the people support the government, the government should not support the people."

Grover Cleveland, Library of Congress

Jack Shafer

Shafer writes the Press Box column for Slate.

2004 vote: Who is the Libertarian candidate this year? That's who. Because I'm a yellow dog Libertarian.

2000 vote: Who was the Libertarian candidate that year? That's who.

Most embarrassing vote: I've never been embarrassed in the slightest by my presidential ballot.

Favorite president: Richard Nixon, because he's the gift that keeps giving.

Michael Shermer

Shermer is publisher of Skeptic magazine, a monthly columnist for Scientific American, author of The Science of Good and Evil (Henry Holt), and a bicycling enthusiast.

2004 vote: John Kerry. I'm a libertarian, but in 2000 I voted my conscience under the assumption that it probably didn't matter who won between Bush and Gore (Tweedledee and Tweedledum when compared to Browne), and I was wrong. It did matter. The world situation is too precarious and too dangerous to flip a coin, the Libertarian candidate cannot win, Bush's foreign policy is making the world more dangerous and more precarious rather than less, and Kerry has a good chance to win and an even better chance to improve our situation. Most important, he's a serious cyclist who wears the yellow "LiveStrong" bracelet in support of Lance Armstrong's cancer foundation and Tour de France win.

2000 vote: Harry Browne, because like the Naderites on the other end of the spectrum I voted my conscience.

Most embarrassing vote: Richard Nixon, 1972, my first presidential vote cast, just out of high school. My poli-sci profs the next several years of college regaled us with daily updates about Watergate. Ooops...

Favorite president: Thomas Jefferson, because 1) he was a champion of liberty, 2) he applied scientific thinking to the political, economic, and social spheres, and 3) when he dined alone at the White House there was more intelligence in that room than when John F. Kennedy hosted a dinner there for a roomful of Nobel laureates.

R.U. Sirius

Sirius, former editor-in-chief of Mondo 2000, edits NeoFiles at life-enhancement.com/NeoFiles and is author of, most recently, Counterculture Through the Ages: From Abraham to Acid House (Random House).

2004 vote: I can't bring myself to say it. I'm voting for the

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Robert Anton Wilson's most embarrassing vote went to Lyndon Baines Johnson: "Because I thought Barry Goldwater would escalate the war in Vietnam."

only guys who stand a chance of replacing the complete insanity of the Bush administration and return us to the ordinary consensus madness we had come to know so well. You know, John and John.

2000 vote: Even though I ran as a write-in candidate myself, I wound up voting for Nader because I thought he gave such rousing and impressive speeches. I wouldn't actually want him to be president though. He's way too puritanical. Did anybody notice that he joined in on the Janet Jackson nipple crisis? Instead of objecting from a religious point of view, he objects from the view that corporate media are "spewing filth" into our environment. The health fascists are everywhere.

Most embarrassing vote: Ralph Nader in 2000. First of all, some other people actually voted for me. My insincerity is justifiable only in a dadaist context, which I therefore proclaim. And secondly, it encouraged Nader, who is now clearly addicted to the run.

Favorite president: It's difficult to rate the quality of an 18th-century president's decisions at this distance, but I choose Thomas Jefferson for eloquently elucidating many of the ideas and attitudes of the Age of Reason.

Bradley A. Smith

Smith is chairman of the Federal Election Commission.

2004 vote: That's one an election commissioner better not answer; we're not supposed to engage in partisan activities.

2000 vote: I don't want to answer that one either.

Most embarrassing vote: I'm too smart to cast embarrassing ballots.

Warren G. Harding, Library of Congress

Favorite president: Warren G. Harding; he's a vastly underrated president and a man of great ordinary decency.

Vernon Smith

Smith, the 2002 Nobel Prize winner in economics, was born and raised in Kansas and inspired to learn by a farmer-teacher in a one-room country schoolhouse.

2004 vote: I am not voting for Kerry. Yet to be decided is whether I will vote for Bush or for neither.

2000 vote: Bush.

Most embarrassing vote: Many of the presidents were embarrassments, but not for me as a voter, because I always think of myself as voting against the other one. This policy led me to vote "for" Humphrey, Nixon, and others, but I saw myself as choosing negatively.

Favorite president: Eisenhower, for whom the affairs of state could always await another round of golf—for his not wanting to "get bogged down in a land war in Asia," and his concern about the military-industrial complex, which generalizes to other complexes like the Treasury-investment-banking complex.

Andrew Sullivan

Sullivan, a senior editor at The New Republic, blogs at andrewsullivan.com.

2004 vote: I can't vote because I'm not a citizen. So I can only "support" candidates, and I'm not supporting anyone in this election.

2000 choice: Bush.

Most embarrassing choice: I'm unembarrassed by all my choices.

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Favorite president: Lincoln, of course. He saved the Union.

Jacob Sullum

Senior Editor Sullum is a syndicated columnist and author of Saying Yes: In Defense of Drug Use (Tarcher Penguin).

2004 vote: The thought of choosing between Bush and Kerry, or casting another pathetic protest vote for the Libertarian candidate, is so depressing that I probably won't be motivated to visit my local polling place this year. I'd like to see Bush lose, but without Kerry winning. Much as I disliked him when he was in office, Clinton is looking better and better to me in retrospect.

2000 vote: Harry Browne.

Most embarrassing vote: It's a tossup between Mondale in 1984 and Dukakis in 1988. Dukakis is more embarrassing because it was more recent (and because he's Dukakis), but Mondale is more embarrassing because I voted for him twice—in New York's open primary (when I almost went for Gary Hart) as well as the general election.

Favorite president: Thomas Jefferson for his writings rather than his performance in office, Grover Cleveland or Calvin Coolidge for taking seriously their oaths to uphold the Constitution and its limits on federal power.

Jeff A. Taylor

Taylor writes Reason Express, a weekly news commentary for **reason online**.

2004 vote: George W. Bush, pathetic bastard that he is—and has made me. The only thing that I am certain that John Kerry would do is raise taxes. Plus I figure the potential confusion surrounding a new national security team may well get people killed. See? Pathetic.

2000 choice: Bush, in Maryland. A gimme.

Most embarrassing vote: Bob Dole in 1996. Knew that was going nowhere.

Favorite president: Ronald Reagan, because he beat back the flawed economic theory that was destroying America and the world.

Walter Mondale, © Arthur Grace, KPA/ZUMA Press; Robert Dole, Library of Congress

Eugene Volokh

Volokh teaches and writes, mostly about constitutional law and cyberspace law, at UCLA School of Law. He blogs at volokh.com.

2004 vote: George W. Bush. I almost always vote for the party, not the man, because the administration, its legislative agenda, and its judicial appointments generally reflect the overall shape of the party. I tend to think that Republicans' views on the war against terrorists, economic policy, taxes, and many though not all civil liberties questions—such as self-defense rights, school choice, color blindness, and the freedom of speech (at least as to political and religious speech)—are more sound than the Democrats' views. I certainly find plenty to disagree with the Republicans even on those topics, but if I waited for a party with which I agreed on everything or even almost everything, I'd be waiting a long time.

2000 choice: George W. Bush.

Most embarrassing choice: Can't think of any.

Favorite president: George Washington. As best I can tell, he did a crucial job better than anyone else could have done, and I don't know him well enough to have learned about all his warts.

Jesse Walker

Managing Editor Walker is author of Rebels on the Air: An Alternative History of Radio in America (NYU Press).

2004 vote: I'm not sure yet, but I'm increasingly inclined to write in Elmer Fudd.

2000 vote: Harry Browne.

Most embarrassing vote: Dukakis. Bush Sr.'s ACLU-baiting campaign was appalling, and I wasn't yet ready to start throwing my vote away on third-party candidates and frivolous write-ins. So I threw it away on a Democrat instead.

Favorite president: It would have to be one of those practically powerless presidents who served under the Articles of Confederation—maybe the anti-federalist Richard Henry Lee, chief of the Continental Congress from 1784 to 1785, who helped launch the American Revolution, tried to ban the importation of slaves, fought to include a Bill of Rights in the Constitution, and sang the goofiest song in *1776*.

Jude Wanniski

Wanniski midwifed supply-side economics, was the first

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Louis Rossetto's favorite president is Chauncey Gardner, from *Being There*: "He was even less verbose than my next favorite president, Calvin Coolidge."

Marxist to work as an editor of the Wall Street Journal editorial page, and is author of The Way the World Works (Gateway).

2004 vote: Bush does not deserve to be re-elected, and Kerry does not deserve to be elected—Bush because of Iraq and Kerry because his economics are dreadful. I'm leaning toward Kerry because I prefer recession to imperialist war, but Bush might tempt me back by firing Cheney, Rumsfeld, and company.

2000 vote: George W. Bush.

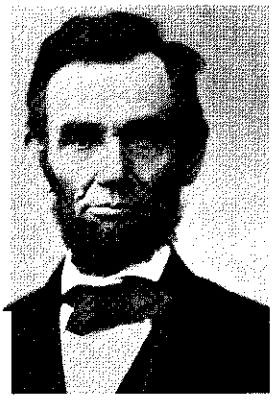
Most embarrassing vote: I only voted for Dole in '96 because Jack Kemp was on the ticket. I should have voted Perot in protest.

Favorite president: Abraham Lincoln, because he saved the Union. Otherwise, there would today be no USA.

Matt Welch

Contributing Editor Welch is a columnist for Canada's National Post. He blogs at mattwelch.com.

2004 vote: John Kerry, because I think the foreign policy approach of Bush and his administration would make the world, on balance, less safe and less free, while expanding the target on Uncle Sam's back, compared to a presidency run by a flip-floppy Democrat with a Republican Congress. I think Bush needs to be fired.



2000 vote: Ralph Nader, despite covering his campaign.

Most embarrassing vote: Dukakis. I'm hoping not to feel the same way this November.

Favorite president: Lincoln, for freeing slaves, preserving the Union, and serving as a ghostly conscience to haunt the Republicans' "Southern Strategy."

Robert Anton Wilson

Wilson helped found the Guns and Dope Party (gunsanddope.com), which urges everybody to vote for himself. His best-known book is Illuminatus! (Dell), co-written with Robert Shea.

2004 vote: I'm voting for myself because I don't believe anybody else can represent me as well as I can represent myself.

2000 vote: Nobody. I sat in my tent and sulked, like Achilles.

Most embarrassing vote: In 1964 I voted for LBJ because I thought Goldwater would escalate the war in Vietnam.

Favorite president: John Adams, because he didn't trust anybody in politics, including himself.

Cathy Young

Contributing Editor Young is a columnist for the Boston Globe.

2004 vote: That's a little private, don't you think? Whichever way I answer, half my friends won't talk to me anymore. (Such are the perils of having a bipartisan social life.) Of course, I could cast a write-in vote for Xena, Warrior Princess...but that would probably piss off my friends who are *Buffy* fans.

2000 vote: See above.

Most embarrassing vote: Well, talk about private!

Favorite president: George Washington—can't offend anyone with that.

John Adams, Library of Congress; Abraham Lincoln, Library of Congress

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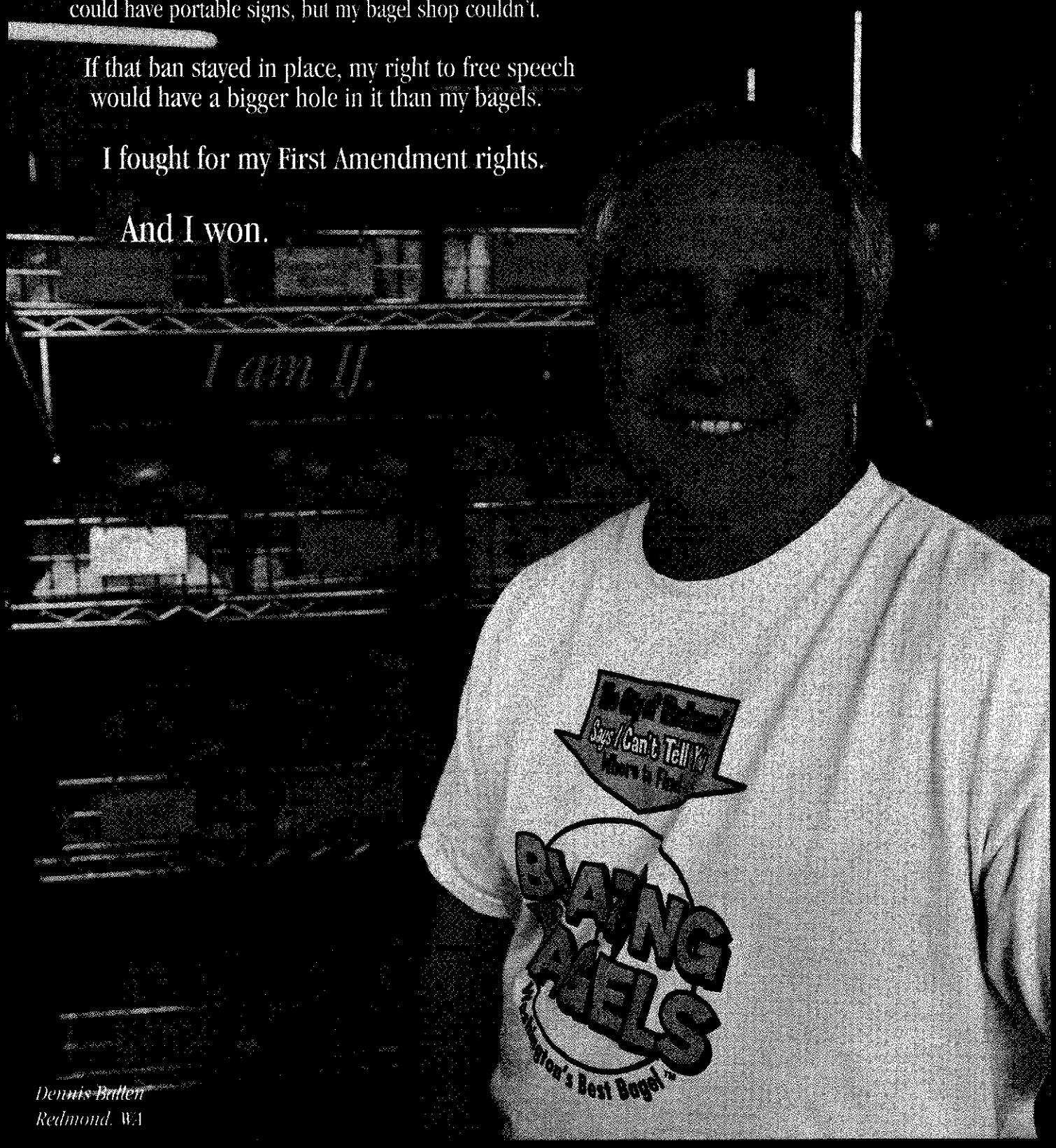
I couldn't believe the City of Redmond said politicians and realtors could have portable signs, but my bagel shop couldn't.

If that ban stayed in place, my right to free speech would have a bigger hole in it than my bagels.

I fought for my First Amendment rights.

And I won.



Dennis Bullen
Redmond, WA

www.IJ.org

Institute for Justice
First Amendment litigation

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Mandatory Health Insurance Now!

It will save private medicine—and spur medical innovation.

Ronald Bailey

In an ABC News/*Washington Post* poll last fall, 62 percent of the respondents favored a universal, government-run medical insurance program. Such surveys reflect a widespread frustration with a health care system that is too expensive, too uncertain, and too complicated.

The answer proposed by John Kerry and John Edwards is to continue the creeping socialization of medicine that Americans have been experiencing since the 1960s. That course would mean the end of private health care in the U.S., and with it the unparalleled medical progress that has benefited patients in this country and throughout the world. It would have a disastrous impact on medical innovation and the quality of care.

The Bush administration, for its part, has failed to offer a coherent alternative to piecemeal nationalization of health care. But the increasingly successful campaigns to privatize Social Security and expand school vouchers suggest a way out: mandatory *private* health insurance. Under this system, in effect, purchasing health insurance would be not much different from buying car or homeowner's insurance today. As a result, we could preserve and extend the advantages of a free market with a minimal amount of coercion.

Why Worry

The current system poses three main problems. First, it's expensive. In 2003 total spending on health care was $1.7 trillion, some $5,800 for every man, woman, and child in the nation, accounting for more than 15 percent of the U.S. gross domestic product (and up from 14.1 percent of GDP in 2002).

Second, despite all the spending, many Americans don't have health insurance. A May 2003 Congressional Budget Office study estimated that 59 million Americans are uninsured at some point in the course of a year, while 21 million to 31 million are uninsured for the whole year. According to a June 2003 report from the Institute of Medicine, the U.S. loses between $65 billion and $130 billion annually as a result of poor health and early death due to lack of insurance. The uninsured impose costs on the rest of us, too: A 2003 Kaiser Commission report to the Urban Institute estimated that uninsured Americans each year receive about $34.5 billion in uncompensated health care while paying $26.4 billion out of their own pockets.

Third, health care is a paperwork nightmare for patients, doctors, insurers, and employers. In 1999 *The New England Journal of Medicine* published a study that found it cost $300 billion annually to administer various health insurance plans. It takes some 3 million clerks and managers to run our health care system; that's nearly four times the number of doctors practicing medicine in the United States.

Sid James in *Carry On Doctor*, ©Everett Collection

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It costs between $8 and $18 to file each insurance claim, and a third of them have to be refiled. In a survey published last year by the American Hospital Association's *Trendwatch*, 64 percent of doctors said they were either extremely or very concerned about the level of paperwork and administration they have to deal with.

Fed up with the whole mess, 82 percent of Americans rank health care as one of the most important issues in the 2004 presidential election, according to a Gallup poll conducted in February. A Pew Research Center for the People & the Press survey conducted in the summer of 2003 found that 67 percent of Americans favored "the U.S. government guaranteeing health insurance for all citizens, even if it means raising taxes." In last fall's ABC News/*Washington Post* poll, 79 percent of respondents said it was more important for the government to provide health care coverage for all Americans than it was to hold down taxes.

Politicians pay attention to the polls. The compassionate conservatives in the Bush administration tried to neutralize a traditionally Democratic issue by ramming a new $530 billion Medicare drug benefit program through Congress last fall. They have also offered various half-hearted market-oriented baby steps that do not add up to a plan that can compete with the Democrats' vision of "affordable, quality, and reliable health care coverage" for all.

John Kerry vowed at the Democratic National Convention, "When I am president, we will stop being the only advanced nation in the world which fails to understand that health care is not a privilege for the wealthy and the connected and the elected—it is a right for all Americans." His running mate has declared, "I want to make health care a birthright for every single child born in this country, period. I want to make sure all of us vulnerable adults are covered." The main thrust of the Kerry-Edwards reforms is to extend the coverage offered by various government health insurance programs to more and more Americans. The candidates want to enroll nearly everyone under age 18 in the State Children's Health Insurance Programs (S-CHIPs) and allow Americans to join Medicare at 55.

These Democratic health care proposals are a continuation of the socialization trend that began with the adoption of Medicare and Medicaid in the 1960s. Despite the breakdown of the ambitious Clinton health care plan in 1994, we have seen gradual adoption of elements of that proposal, including the S-CHIP program in 1997 and the new Medicare drug benefit. What remains of private medicine is being slowly strangled by the mandates and regulations that come with growing government health care spending. In fact, we're already nearly halfway to a completely centralized, government-funded medical system. Since Medicare was enacted in 1965, the federal and state portion of medical expenditures has risen from 24 percent to 45 percent.

ClintonCare Lives

A decade after Bill Clinton almost forced through his all-embracing health care plan, government-run medicine is once again becoming a respectable public policy idea. Last year a coalition called Physicians for a National Health Program launched a new campaign for universal single-payer health insurance. In the August 13, 2003, issue of *The Journal of the American Medical Association*, the coalition proposed what "in essence would be an expanded and improved version of traditional Medicare," covering "every American for all necessary medical care," funded through a new tax on income. The proposal, which has been endorsed

Maintaining our private medical system is vital because American health care and medical science are the most advanced and innovative in the world. If a national single-payer system is adopted, most medical progress will be stopped in its tracks.

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by 8,000 physicians, has been introduced in Congress as a bill that aims to establish "a new American national health insurance program by creating a single payer health care system."

Advocates of a single-payer system often cite the lower medical costs of the completely nationalized health care systems in Canada and Britain, which spend less than 9.6 percent and 7.7 percent of their GDPs on health care, respectively. Despite the lower spending, the average life expectancy at birth is 79.8 years in Canada and 78.2 years in Britain, higher than America's 77.1. What explains the differential? As University of Iowa health economist Robert Ohsfeldt notes in the fall 2003 issue of *The Independent Review*, if higher U.S. accident and homicide rates are taken into account, our life expectancy numbers match those of Britain. The difference is also partly due to a slightly higher infant mortality rate in the U.S.: 6.8 per 1,000 live births, compared to Canada's 4.9 and Britain's 5.3 rate per 1,000. (That seems largely related to racial disparities—the white U.S. infant mortality rate in 2000 was 5.7 and the black infant mortality was 14.4. Another factor is improvements in fetal medicine that have allowed infants who would otherwise have died before delivery to survive into the early newborn period. Canada too has racial disparities; the infant mortality rate for aboriginals is 8 per 1,000 live births—nearly double that of the white population.)

The U.S. looks much better than countries with nationalized health care when you consider waiting times for tests and treatments. Ohsfeldt reports, for example, that in 1997 the mean waiting time for magnetic resonance imaging (MRI) of the head was 150 days in Canada, compared to three days in the U.S. In 1998 the U.S. had 16 MRI machines per million citizens, compared to 3.4 in the U.K. and 1.7 in Canada. Such delays have a serious impact on quality of care: A patient has to wait longer for a good diagnosis, increasing the probability that his treatment will not prevent a lasting disability.

Even more important, America's mainly private system has made the U.S. a font of medical innovation. The U.S. pharmaceutical and biotechnology industries have developed more cancer drugs than their European, Canadian, and Japanese competitors combined, according to Robert Goldberg at the Manhattan Institute's Center for Medical Progress. Due to other countries' price controls, pharmaceutical research and development is increasingly centered in the United States. Consequently, Goldberg notes, that is where 75 percent of all new drugs are discovered and first used. It was U.S. companies, for example, that developed coated stents for treating narrowing heart arteries and invented LASIK surgery for correcting vision problems.

And even when a new therapy is not invented in the U.S., the country's markets can rapidly deploy it. Although the first test tube baby was born in Britain, the U.S. is now the world's leader in human reproductive medicine, pioneering treatments like pre-implantation genetic diagnosis of embryos and sorting sperm by sex chromosomes.

Insuring Cost Inflation

The payoff for less innovation under a single-payer system is supposed to be lower spending. Yet such proposals do not address the origins of the health care system's ever-escalating costs, which go back to World War II. During the war, employers competing for workers found a way around the government's wage controls by offering health insurance in lieu of higher pay. On October 26, 1943, the Internal Revenue Service further encouraged this practice by ruling that employees did not have to pay taxes on such benefits. In 1954 Congress codified the tax-exempt status of employer-provided health insurance.

Nowadays most insured Americans (61 percent) get their health insurance through their employers. The rest buy their own insurance (9.6 percent) and/or receive some sort of government coverage, including Medicaid (11.6 percent) and Medicare (13.4 percent). However well this system may have worked in the immediate postwar years, it is not meeting the needs of Americans today. Fewer and fewer Americans are following the career path of their grandparents and parents: graduate from high school, go to work for a big corporation that provides health insurance for the family, and retire at 65 with a company pension.

"This arrangement might have made some sense back in the days when most families consisted of a man working at a single company over the course of his life supporting a wife and kids at home," says Grace-Marie Turner, president of the Galen Institute, a health policy research organization in Alexandria, Virginia. "The problem is that politicians are still trying to impose

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a 20th-century health insurance system on a 21st-century work force." Workers today change jobs more frequently, more people are working for smaller companies that offer fewer benefits, and 8 percent of Americans (a share half as big as the percentage of Americans who are uninsured) start their own businesses.

Health insurance is also much more expensive than it was in the 1940s and '50s, partly because modern medicine can do so much more to heal our ills. As William B. Schwartz, a professor of medicine at the University of Southern California, notes in his 1998 book *Life Without Disease: The Pursuit of Medical Utopia*, "In 1950 costs of health care were remarkably low, because, for a large percentage of patients, doctors really couldn't do much. People spent relatively little on health care (only 4.4 percent of gross domestic product) and got what they paid for—very few useful diagnostic tests or effective treatments." In 1950 there were no polio, measles, or hepatitis vaccines; no open heart surgeries or pacemakers; no organ transplants; few cancer chemotherapy agents; no MRI or CAT scans; and no drugs for ulcers, high blood pressure, or arthritis.

Employer-provided medical coverage is itself another major reason for the high cost of heath care. Rather than pay workers wages that will be taxed, companies use pre-tax dollars to purchase health insurance as a benefit. Instead of paying an employee $1,000 more in wages, of which $400 will be taxed away, companies purchase $1,000 in additional health insurance tax-free. In this way companies funnel more than $140 billion a year in federal tax breaks to their workers. The tax-free status of employer-provided health insurance encourages generous coverage that allows employees to ignore the prices of medical services, which in turn encourages providers to charge more and more. Employees, seeking to take advantage of their coverage, tend to overutilize the system, which also puts pressure on prices.

Thus we have a system skewed toward overuse by the haves and underuse by the have-nots, in which the healthi-

Losing Patients

A film questions Canada's nationalized health care.

John R. Graham

The Barbarian Invasions, recently released on DVD by Buena Vista Home Video, offers a disturbing vision of state-run medicine. The Canadian film won two awards at the 2003 Cannes Film Festival (best screenplay and best actress) and took home this year's Oscar for best foreign-language film. It is the story of a man with a terminal disease who renews his relationships with his friends and family, especially his adult son. Much of the action takes place in a hospital in Montreal, Quebec, where director and screenwriter Denys Arcand dissects the Canadian health care system.

The film opens with a nun struggling down the corridor of a crowded ward to administer Holy Communion. Patients, health professionals, even electricians, are tripping over each

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est people (highly paid employees) get the most generous health insurance. The Kaiser Commission reported that per capita spending on health care is $2,484 for fully insured Americans, compared to $1,253 for Americans who are uninsured for a full year.

No Such Thing as a Free Physical

"Everybody thinks they're spending somebody's else's money," explains Robert Helms, a health care scholar at the American Enterprise Institute. Yet "payments for health insurance come out of wages. Everything ultimately comes out of wages; it's just accounting that obscures that fact." For decades American patients have had little reason to worry about how much they spend on medical care, because they erroneously believe someone else is paying for it. Consequently, doctors and hospitals have little reason to control their expenses. Spiraling costs are the predictable result. The federal government has added to the problem with its own third-party payments through programs such as Medicaid and Medicare.

Nowadays patients are accustomed to low out-of-pocket medical expenses, and big companies are expected to give their employees gold-plated health insurance policies. "Insurance should cover low-probability, high-cost events," says Helms. When it comes to medical care, the whole idea of insurance—of protecting against *unexpected* losses—has been obscured. Think how expensive your car insurance would be if the cost of routine maintenance such as oil changes and tire purchases were included in your premiums. This is the problem with most health insurance policies today. Instead of insuring against large, unpredictable costs such as chemotherapy or a heart bypass, many policies cover what is essentially routine maintenance: flu shots, annual physicals, and so on.

Despite such generous coverage, employer-based insurance makes Americans anxious. "It's just a stupid system that causes you to lose your

The Barbarian Invasions © Miramax Film Corp.

other, packed into an environment of general confusion. And yet there is another floor of the hospital that is completely closed, thanks to a government directive.

The dying man's son is a successful investment banker in London. He's the kind of guy who can wriggle around anything. First he wrangles his way into the hospital's management offices without a pass and corners the manager, who is completely isolated from the chaos outside. He offers her a bribe to get his father moved out of the zoo and into a private space on the empty floor. She quietly takes the bribe but points out that she can do nothing without the hospital employees' union. The son pays off the union boss to prepare a private room on the empty floor. Painters, carpenters, and other workers quickly make it up.

Then, because there is virtually no access to PET (positron emission tomography) scans in Canada, the banker takes his father to Vermont to get one. One of the son's friends in Baltimore—one of many Canadian doctors who have emigrated to the U.S.—examines the scan and informs him his father will have a much better chance in Baltimore than in Montreal. Remarkably, the father will have none of it: "I voted for socialized health care," he proclaims, "and I'm prepared to suffer the consequences!"

With this line, the father speaks for too many Canadians, who often wrap their national identity in nationalized health care. This is why Canadian politicians have not had the courage to give Canadians more health freedom. But the pain and inhumanity caused by the Canadian system are starting to make even the most nationalistic of us reconsider the amount of control over health services that we've ceded to our government.

The Barbarian Invasions tells us a lot about the consequences of government monopoly health care. The hospitals are poorly managed, the doctors and nurses confused, the unions who really run the show thuggish, the patients all but ignored.

The film has sparked a debate in Canada about the role of the state in health care. Any American who thinks health care in the United States would be improved by implementing a single-payer system would learn much from it too. ◻

John R. Graham is an adjunct scholar at Canada's Fraser Institute. A version of this article ran on TechCentralStation.com.

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health insurance when you lose your job," says Grace-Marie Turner. "If you lose your job, you don't lose your car insurance or your homeowner's insurance. Why should you lose your health insurance?" Last fall's ABC News/*Washington Post* poll found that 53 percent of insured Americans were worried about losing their health insurance as a result of losing their jobs. This fear helps explain why most Americans tell pollsters they favor universal government-financed health care.

Unable to unravel this dysfunctional system of third-party payments, American companies have turned to health maintenance organizations, which constrain both doctors and patients to keep costs low. But HMOs ultimately were unable to control costs because they couldn't enforce limits on use and because the gains from preventive care were less than they hoped. Single-payer advocates argue that it's time for the government to step in.

"National health insurance would make it possible to set and enforce overall spending limits for the health care system, slowing cost growth over the long run," says the proposal from Physicians for a National Health Program. In his 1998 book *False Hopes*, Hastings Center bioethicist Daniel Callahan is a bit blunter. "A steady-state, equitable medicine will have to limit, not expand, patient choice," he writes. "It will require frank rationing. It will work to resist patient demands, particularly demands stimulated by market pressure and incentives."

Unfortunately, there is no prominent political or intellectual figure on the national scene offering a comprehensive free-market alternative to socialized medicine. You certainly won't find one in the Republican Party. Frank Luntz, the Republican pollster and spinmeister, told an audience of libertarian and conservative activists last year that Republican politicians had simply failed to come up with any way, much less a persuasive way, to discuss health care with the public.

When it comes to health care policy, Republicans are Democrats Lite. "The Republicans always say, 'We're going to give you the same program, only less than that proposed by the Democrats,'" says Tom Miller, former director of health policy studies at the Cato Institute. "Republicans just offer cheaper, more apologetic programs." Witness the new Medicare drug benefit, which John Kerry immediately denounced as "a raw deal for America's seniors and a big windfall for the big drug companies." No matter how much they give away, Republicans can never give away enough to satisfy the demands of the nationalized health care advocates.

Piles of Bodies?

Why not just tell Americans they are responsible for buying their own health insurance from now on? If people couldn't pay for medical care, either through insurance or out of pocket, they wouldn't get it. "After people begin to notice the growing pile of bodies by emergency room entrances," Tom Miller wryly suggests, "they will quickly get the message and go get medical coverage."

But that's not going to happen, says Mark Pauly, a health care economist at the University of Pennsylvania's Wharton business school. "Americans don't want to see their neighbor dying bleeding in the street," he says. "Therefore we already make sure that everyone gets some medical care when they need it. The alternative would be a world in which voluntarily uninsured people wore a bracelet that read: 'In case of an accident, do not take me to the nearest hospital. I've made my choice.'"

Since it's unlikely that Americans will allow their improvident neighbors to expire without medical care in the streets, is there a politically palatable alternative that can preserve and expand private medicine in the United States? Yes: mandatory private health insurance.

The New America Foundation, a liberal policy shop in Washington, D.C., has outlined some elements of how such a system would work. The slogan for its proposal is, "Universal coverage in exchange for universal responsibility." The devil is in the details, of course, but the plan offers some interesting possibilities. For example, mandatory health insurance coverage might be combined with medical savings accounts that would encourage people to save and invest for future medical emergencies.

The New America Foundation proposal preserves private insurance and allows consumers to choose among competing insurance plans and coverage options. Most intriguingly, the plan offers a way out of the dysfunctional employer-financed third-party-payer model that is so grievously distorting our health care system. Employers eventually would devolve responsibility for health insurance to their employees by giving them the money the companies currently pay to insurance companies. Employees would

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then have a strong incentive to shop around for the best health care deals, putting pressure on insurers to keep costs low.

Even some Republicans are suggesting that mandatory health insurance be required for at least some Americans. Senate Majority Leader Bill Frist (R-Tenn.) recently argued that it is unfair to expect taxpayers to pick up the health care tab for the third of Americans without health insurance who make incomes over $50,000. "I believe higher-income Americans today do have a societal and personal responsibility to cover in some way themselves and their children," the senator said in a speech at the National Press Club in July.

Privatizing Medicaid and Medicare

Uninsured Americans currently receive health care for which they don't have to pay. Their bills are paid by tax dollars spent on Medicaid or the state Children's Health Insurance Programs, or through higher insurance premiums and medical charges to make up for the losses doctors and hospitals incur when they treat the uninsured. Why shouldn't we require people who now get health care at the expense of the rest of us to pay for their coverage themselves?

There's a big bonus. "Mandated coverage would replace Medicaid and state Children's Health Insurance Programs because lower-income and unemployed people would receive a voucher to purchase private health insurance," says Wharton's Mark Pauly. "This would mean full privatization for people under age 65." He holds out an even brighter prospect: "Actually, in principle, mandated coverage could replace Medicare too." The entire medical system could be privatized. The slowly expanding Medicare, Medicaid, and S-CHIP behemoths that are inexorably absorbing more and more of the U.S. health care system could be eliminated.

Mandatory health insurance would be not unlike the laws that require drivers to purchase auto insurance or pay into state-run risk pools. They also resemble the libertarian Cato Institute's proposals for reforming Social Security, which do not *eliminate* mandatory payments; they *privatize* them. Similarly, school voucher plans generally mandate that children receive an education. As the Rose and Milton Friedman Foundation notes, universal school vouchers would allow "all parents to direct funds set aside for education by the government to send their children to a school of choice, whether that school is public, private or religious." This system separates "the government financing of education from the government operation of schools."

Once government and health insurers have defined a standard basic package of health care benefits, the current dynamic of constant government meddling in health insurance and health care markets that leads to higher and higher costs should change. Consumers, transformed from passive recipients into direct purchasers, can be expected to be vigilant about government interference that would increase their rates or reduce their services.

As Rep. Bill Thomas (R-Calif.) noted at a recent National Center for Policy Analysis conference, if everyone had to buy his or her own coverage the way people buy car or homeowner's insurance, and if the size of the tax breaks didn't hinge on employment status, you would have the beginnings of a real market. Thomas said he wanted to make basic, low-cost catastrophic health care coverage widely accessible through tax subsidies and credits. More-extensive coverage would be available to individuals who

There's no reason to put off the campaign for a mandatory private system. To keep the great American health innovation machine running, it is vital to keep medicine private and consumer-driven, and that means going on the offensive now.

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wanted it, but they would have to pay for it with after-tax dollars.

Under a mandatory insurance scheme, all Americans would be required to purchase a basic high-deductible catastrophic health insurance policy from a private insurance company. "Let's say you cap the deductible at $4,000 and set a limit that out-of-pocket health care costs can't exceed 10 percent of an individual's or family's income," suggests Pauly. "That would mean that a family earning $30,000 per year would receive $1,000 in a health voucher." In other words, the family would pay the first $3,000 of medical expenses out of pocket and receive a $1,000 voucher to cover expenses up to the $4,000 deductible.

A high deductible would encourage people to be more careful about the services they purchase. They would shop around for good deals on drugs and scrutinize the costs of various treatment options more closely. Of course, some people inevitably would try to save a penny or two by delaying a visit to the doctor for their stomachache, only to find out later that it's cancer, but no system can make people perfectly prudent.

Health insurance policies covering catastrophic expenses today typically cost under $300 per month for a family of four. So that's $3,600 per year for insurance. Assuming employers pay between $6,000 and $9,000 to cover an employee and his family, that means workers would be getting an extra $2,400 to $5,400 in their paychecks. Even a $3,600 policy would be expensive for a family living on $18,000 a year, so perhaps they would be required to pay 10 percent of their income, $1,800, for insurance and receive a voucher for $1,800 to cover the rest of their premiums.

Money in the Bank

This plan differs from the mandatory health care schemes in Germany and France, which are financed by payroll deductions set at a percentage of wages up to a certain income level. In the United States today, an employer generally pays the same health insurance premium for each employee. So if the premium at a company is $5,000 a year per employee, under this plan each employee would get $5,000, tax-free, to purchase insurance. That money would make a lot more of a difference to an employee earning $20,000 than to one earning $80,000.

A second component of the new private insurance scheme might encourage (or even mandate) that families and individuals make annual contributions to health savings accounts (HSAs) similar to those included in the otherwise very flawed Medicare prescription drug law. As currently formulated, HSAs allow employees to set aside pretax money to cover routine checkups, co-payments, prescription drugs, vaccinations, and so forth, while costly medical procedures are covered by high-deductible insurance policies. HSAs permit employees to keep their own money, rolling over any unspent funds in their HSAs at the end of the year and investing the money for future medical expenses or saving it for retirement; the money can be passed on to heirs. Since it's a real asset, people have an incentive to manage it frugally.

HSAs have several attractive features. Employers as well as employees make contributions, so instead of paying insurers for low-deductible policies, companies can give the money directly to their workers. Best of all, for those worried about the instability of linking health insurance with steady employment, people who lose their jobs can withdraw funds from their HSAs to continue their families' health insurance coverage. Employers will be attracted to HSAs because they will be able to lower their health care expenses by offering their employees higher-deductible insurance plans. Such plans generally cost 20 percent to 60 percent less than conventional low-deductible health insurance policies.

There's no reason to put off the campaign for a mandatory private system until we've worked out all the details. To keep the great American health innovation machine running, it is vital to keep medicine private and consumer-driven, and that means going on the offensive now.

Maintaining our private medical system is vital because American health care and medical science are the most advanced and innovative in the world. If a national single-payer health care system is adopted, most medical progress will be stopped in its tracks. The proposal for mandatory health insurance offers a way to maintain our private system, expand consumer choice, lower costs, and allow medical progress to continue. ▯

Ronald Bailey (rbailey@reason.com) is **reason***'s science correspondent.*

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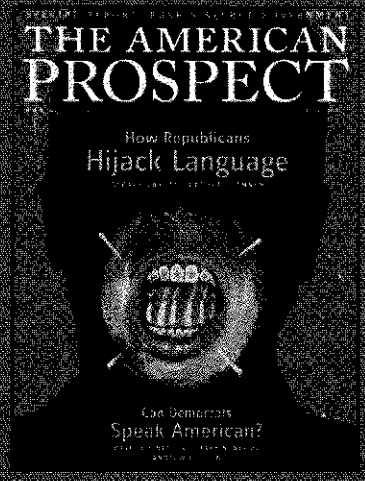

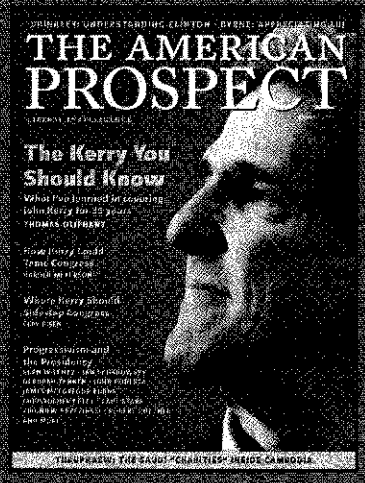

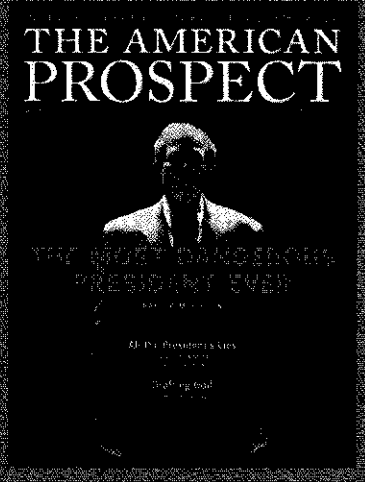

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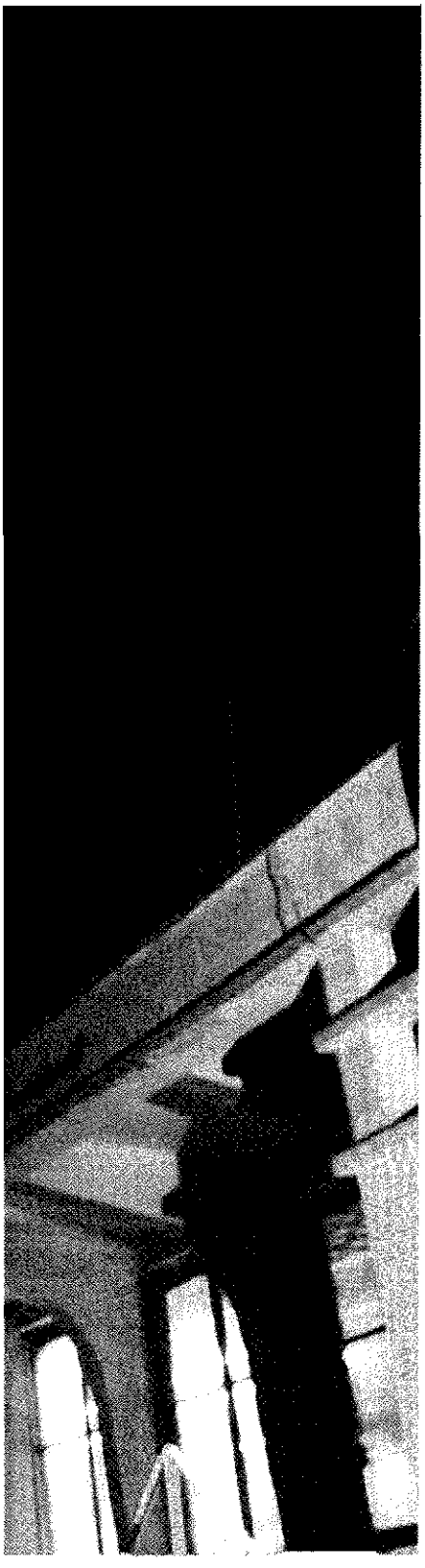

An Afghan soldier stands guard at the airport in Kabul. ©AP/Wide World Photos

The coming "warlord war" in America's other occupation.

Ben Fenwick

MAIMANA, AFGHANISTAN—U.S. Army Maj. Kerry Trent, a member of the 45th Infantry Brigade, a National Guard unit from Oklahoma, walks to the illegal checkpoint to meet with the armed men who run it. The Afghan soldiers escorting him scurry into position; they are members of the First Kandak (battalion) of the First Brigade of the Afghan National Army (ANA), which was set up under the auspices of President Hamid Karzai's interim government. Trent is their adviser.

Trent spies the men he is looking for as he walks past a cleft in the bluffs overlooking a river. The men, who are not uniformed, carry the ubiquitous Kalashnikovs, but they also have rocket-propelled grenade launchers and PKM squad machine guns. Even though two U.S. Humvee crews with a mounted .50-caliber machine gun and another with a grenade launcher back Trent's unit, it would be a fierce battle if the men wanted to fight.

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On July 29, the first shots of what may become the warlord war were fired. Afghan National Army troops with their American advisers were attacked—and wounded—by "rogue" soldiers loyal to a warlord.

Instead, they get up, greet Trent with "Salaam, salaam," and invite him and his ANA commander, Col. Kareem, for tea. One man introduces himself as a general in the loosely organized, militia-based 200th Division, a unit of Gen. Abdul Rashid Dostum, the hero of the famed Northern Alliance who turned on the Taliban and, with the help of American air strikes, defeated them. Dostum's forces sit on the pipelines that move gas into Uzbekistan and on the opium trade routes in the north that move heroin into Germany.

Trent, Kareem, and the interpreter sit down with the Dostum man on a large mat. An attendant brings them tea. Trent does not drink until the Dostum man drinks.

"Why are you here with weapons?" Trent asks. "The Security Council has agreed that no one but ANA forces are allowed to carry guns outside the compound."

"We came here to protect this village," the man answers via the interpreter. He casts a prolonged glance at a large truck driving past, carrying wool.

"Protect them from what?" Trent counters. "Are there Taliban here?"

No.

"Are there Al Qaeda?"

No, the man admits.

"Then what are you protecting them from?"

"We are sightseeing," the general now says. "Many of the men are from this village, and they wanted to visit their homes. We are leaving this afternoon." The general glances at another truck passing by, this one carrying sand. "We will go back this afternoon."

"That is good," Trent says. "I'm glad you are going back this afternoon. That way no one will mistake you for bad guys who are out here robbing people."

The general nods. Then he speaks to the ANA colonel in Uzbek. Their voices rise. They interrupt one another. This goes on for some time. Trent observes. Then the general turns back to him.

"We are leaving this afternoon," the man says again.

"Good. I must take your guns from you if I find you out here with guns again," Trent says. "I am just a soldier, and my orders are to take the guns if they leave the 200th Division compound again."

The general nods and hangs his head in supplication. Then everyone gets up, shakes hands, and walks away. The team reassembles and convoys back through the village to Maimana, past fields of poppies with their bulbs swollen for harvest.

"I figured out what he was doing there," Trent says later. "He was stopping the trucks and charging them fees to pass his area. Every truck that passed, he was assessing how much money he was losing. You could see it in his eyes."

The next day, a patrol is sent back to the location. But even before they leave, the order comes that, despite his previous orders, Trent will not take the men's guns from them. The orders have changed.

"Well, they cut my nuts on that one," Trent says. "It's frustrating."

That small event, with its potential for sudden violence, underscores the balancing act in Afghanistan between the U.S.-led coalition, the warlords, and the weak but growing central government and its fledgling army. Both the interim government and the army are initiatives created by the Bonn II agreements, which charted the current path for Afghanistan's future according to the Western powers' vision for it. Dostum in the North, Ismail Khan in the West, and a host of smaller players throughout the country might have different visions.

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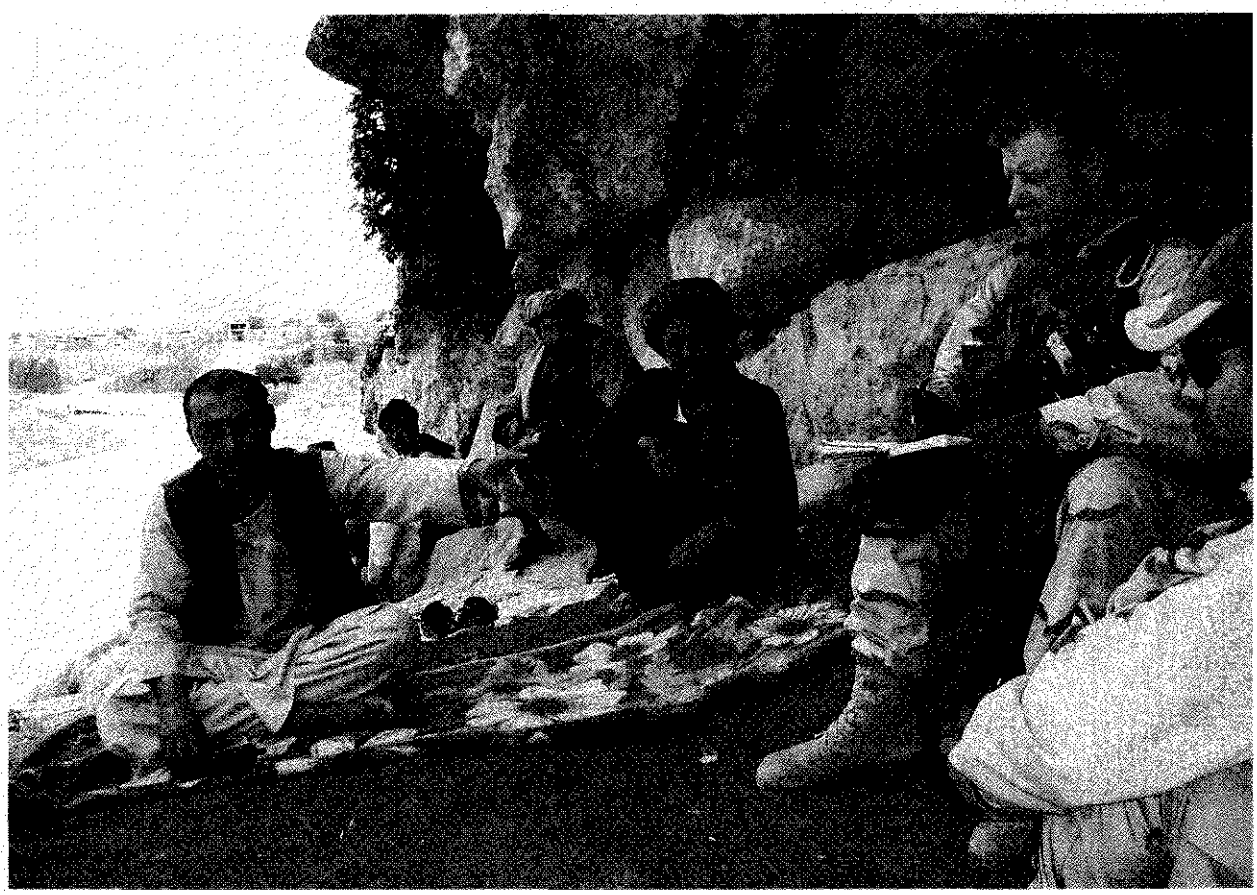

Major Trent meeting with the warlord general at the illegal checkpoint. Photo by Ben Fenwick

In July, President Hamid Karzai postponed the country's parliamentary elections for six months, citing a threat of disruption. According to the president, Afghanistan's private militias had become the country's greatest danger—a bigger threat than the Taliban. Karzai told *The New York Times* he had attempted to disarm the militias "by persuasion." Now, he said, "The stick has to be used, definitely."

Afghan Standoff

Dostum boasts he could raise as many as 40,000 militiamen. Khan in the West brags of a potent 20,000. Both numbers are probably inflated. Yet as of May, the ANA, the only military in the country with a chartered subservience to civilian government, numbers a little more than 11,000. Despite would-be peacekeeping ventures in both Khan's and Dostum's stomping grounds, the central government's control is at best shaky there.

In the north, Dostum's influence is strong. While the region is supposed to be under the law of the Karzai government, it is really ruled by a string of alliances between feudal warlords. In Faryab's capital of Maimana, Dostum lost control of his subordinate, Hashim Habbibi, who attempted to set himself up as an ally of the Karzai-appointed interim governor. On April 8 Dostum's local brownshirts, the Jumbish Youth, rioted and ran the governor out of town. The crisis precipitated the occupation of Maimana's airport by about 700 ANA troops and their advisers. The key to the ANA's power is the identity of those advisers: They are Americans.

"I guarantee you, if Dostum wants us, he can get us at any time," says Lt. Col. Jack Mosher, an Army Ranger who commanded Camp Spartan, the hastily built ANA base set up near the dirt airstrip serving Maimana. "The only question is, do they want to start a warlord war now or later?"

Mosher notes that a company of Dostum's T-62 tanks are housed at a compound fewer than three kilometers away from the airfield. The tanks could arrive at the camp within 10 minutes. The ANA infantry units could put up a fight, but they could be overrun if the tanks were as functional as feared. The two up-armored Humvees driven by the Americans wouldn't last very long either. It would be an even bet whether anyone in the camp would still be alive by the time American air support arrived.

Arrive they would, however. And according

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to Mosher, Dostum knows it. "The only reason we are still here is because Dostum has seen what air power can do," he said.

Mosher recalls that when his unit was dispatched to Maimana in the first days of the Jumbish Youth riots, his convoy had to drive through Sheberghan, Dostum's hometown. As the convoy, consisting of several five-ton trucks of ANA troops, two Humvees, and a few pickups, approached the front gate, it was met by a policeman who said it couldn't pass. "Dostum is coming," the man said.

In the minutes that followed, several tanks drove to the gate, facing the convoy. Dostum troops locked and loaded their Kalashnikovs and filed into a ready-made ambush trench running alongside the road near the gate. Troops encircled the convoy, four men deep.

Meanwhile, Mosher called in air support. The A-10 jets arrived as Mosher saw an armored SUV with blacked-out bulletproof windows pull up in front of the convoy. Mosher went to meet the vehicle. Out of it stepped Dostum.

Mosher describes the notorious strongman as a large, bloated figure dressed in a Western-style suit, sporting a thick moustache. When Mosher attempted to engage the general in introductory conversation, the man drunkenly roared "Me Dostum!" and shoved away Mosher's interpreter. As the two groups of soldiers stared at one another across gun barrels, the general ripped a cell phone out of his pocket and called President Karzai, screaming into the phone.

"A guy like Dostum has seen the Russians come and go, the Mujahedin come and go, and the Taliban come and go," Mosher says. "A guy like him really doesn't mind rolling the dice every now and then. I think he wanted to let Karzai know he had us if he wanted us."

Within moments of finishing the conversation with Karzai, Dostum would exclaim to Mosher that he wasn't "afraid of American planes."

"All the while, he kept looking up at the A-10s circling overhead," Mosher remembers.

Like a summer cloudburst, the moment passed. Dostum hung up the phone. Reeking of liquor, he embraced Mosher in a bear hug.

"We are both soldiers," the general told Mosher, glancing up at the planes. "Let us not have troubles like this." He ordered his troops to part and allow Mosher's unit through. As if the confrontation had never happened, Dostum's men waved and cheered at the convoy passing them.

Basic Training

The ANA started in December 2001 as a group of "volunteers" more or less donated by various warlords. The First Kandak consisted of about 400 soldiers trained in an ad hoc fashion by U.S. Special Forces. That kandak suffered an attrition rate of 50 percent in the first month as the soldiers grew tired of full-time military life and returned to their villages. Similar attrition rates continued through the first two years of the ANA's existence, although they dropped steadily as equipment, uniforms, facilities, and pay improved.

Training came under the 45th Mountain Division, then was transferred to National Guard units by late 2003. A private's pay rose from about $40 a month to better than $70 a month, still a low figure but considered a living wage for an Afghan. Perhaps just as important, that rate is sustainable for Afghanistan's third-world economy. By the time 15 kandaks had been formed, completing the army's Central Corps, the desertion rate had dropped to less than 2 percent a month. Such a rate is still considered high for a Western power but is acceptable in Afghan terms, said Brig. Gen. Thomas Mancino, the commander of the 45th Infantry Brigade. The 45th, a.k.a. the Thunderbirds, inherited the Afghan Army training initiative in November 2003.

"In the early formation of the army, there was an issue of a high loss rate," Mancino reports. "I don't like to use the word *desertion*, because to the Afghan that means you leave under fire. They have a unique term. They refer to them as 'escapees.'"

These "escapees" leave their kandaks for up to a month sometimes, taking their pay home to their families. Because the banking system is all but nonexistent in Afghanistan, the soldiers are paid in cash. Some travel for days or even weeks to their families to pay for rent, food, etc. Then one day, the soldiers return to their kandaks fully expecting to be welcomed back into the ranks, fully intending to continue their work as soldiers. Except for those who are gone more than a month, most are taken back.

"Once they get to the unit, they are well fed, well equipped, and well trained," Mancino said. "Attrition is down. If you look at the loss rate in basic training, it's

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"We have to annihilate these [warlord] commanders," says one captain in the Afghan National Army. "Then we can have a good Afghanistan. We can build good roads and make it a good place."

less than what you'd find in American basic training."

Equipment and weapons are mostly donated Eastern Bloc items—old AK-47s from the former East Germany, light artillery from the Czech Republic, mortars from Poland, communications equipment from Romania. These items are not only already familiar to Afghans but more easily sustainable in the long run than high-tech, expensive military equipment produced by the West.

Afghan uniforms are American battle dress uniforms. The boots at first were made locally, and they fell apart within a couple of months, a matter of some consternation for the U.S. authorities when ANA soldiers had to train with tennis shoes. Now the boots are made in the U.S.

With the new equipment comes an alphabet mix of trainers. Americans are the primary trainers, instructing the members of a kandak from induction to combat. In between, French teach the officers, and the British teach the noncommissioned officers (NCOs), or sergeants.

The teaching of the NCOs is crucial. Eschewed in Warsaw Pact armies, noncommissioned officers form the backbone of both the American and British armies, allowing for independent decision-making leadership down to the squad level. Such independence is anathema to the top-down Soviet-style structure, which emphasizes strong central control at the expense of flexibility on the battlefield.

Through April 2004, the NCO trainers were from the British Army Gurkha Battalions. The Gurkha emphasis on traditional British military values is legendary. Maj. Frazer Lawrence commanded the Gurkha trainers in Afghanistan, who created a corps of Afghan trainers to build the army's NCOs. He expressed some trepidation when the Gurkhas handed over the training completely to the Afghans in April but remained broadly positive about it.

"The corps we have are good," he said. "Some are excellent and can hold their own against any American or Brit. The best way now is to let them run for it, and stand back with a hand on the tiller. You won't really know if they can do it until they do it."

Lawrence felt the time was coming when the Brits were going to pull out, and he wanted the Afghan Army to be ready to stand on its own. "The day the Brits are pulling out is still to be confirmed," he said. "I don't see us being here for years and years. I'll reword that: I don't see us teaching the NCO school for years and years."

Afghan soldiers who have had any formal military training at all in their background usually learned Soviet-style tactics and planning. For four years, the former Soviet-backed government of Mohammed Najibullah carried out military training at the Kabul Military Academy. There, Capt. Sayd Mohammed graduated as a teen and went straight into the forces that were attempting to shore up Najibullah's failing regime. Mohammed and others defended the city against the invasions, first of Hekmatyar, whose artillery barrages destroyed much of the then-intact city, then against the Taliban.

According to Mohammed, the Ministry of Defense values his training less than it should. Instead it values family ties, village ties, and former Mujahedin alliances.

"If they hire officers, they should hire officers according to good qualifications," Mohammed told me in April. "We should not hire officers who do not qualify, because we have some officers like that now who are problems."

U.S. Army Maj. Pat Foor, an embedded trainer with the 45th Infantry Brigade, seconded Mohammed's account. "Nepotism," he said. "That's a thing you see a lot of. You have family ties and village ties, henchmen ties. Sometimes

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I don't think we use our leverage the way we could."

Foor recounted Mohammed's career, which had spanned two decades of fighting in the country after the youth's formal military training. He acknowledged that Soviet training had its blind spots, such as its inability to properly use NCOs in a battle environment. But he insisted those problems can be trained away. He even said that Soviet military training, with all its baggage, is preferable to the guerilla-only training of the Mujahedin days.

"To me it doesn't matter if they are trained by the Soviets or not, because at least they understand the systems," Foor explained. "Combined arms, how to use tanks and artillery and infantry together. Mujahedin have only been doing guerilla warfare. They don't know how to use NCOs, chain of command, [or how to] conduct large-scale operations."

As the conversation turned to warlordism, Mohammed spoke up again.

"Right now we have commanders in Herat fighting," he noted. "We have Dostum in Mazar-I-Sharif fighting sometimes. First, you have to have a good army to keep Afghanistan secure. We have to annihilate these commanders. Then you can have a good Afghanistan. We can build good roads and make it a good place."

Within a month, both Foor and Mohammed's units would be moved to Maimana for exactly that confrontation.

Gubernatorial Recall

The drama of Dostum vs. Karzai reached a critical juncture in Maimana in late April. Following the governor's ousting, the ANA started "presence patrols" throughout Faryab province. These patrols consisted of a few squads of ANA soldiers escorted by their American advisers, usually officers, along with interpreters and a squad in up-armored Humvees. The patrols, while not ostensibly intended to arrest or prosecute the warlords and their minions, nevertheless unsettled Dostum's hold on the region.

The patrols were the first evidence in Faryab of a new political order. Most villagers had heard of Karzai and the central government, but the patrols, consisting of a multi-ethnic mix of Afghans working in military unison, were the first sign that such a thing existed. They also gave notice to Dostum's commanders that they would be watched, recorded, and even confronted for their treatment of villagers. Complaints were heard. Reports were taken on illegal taxation, in which villages were taxed either by headcounts on goats and sheep or by taking the livestock itself. Irregulars manning illegal checkpoints were told to pack up and clear away. Forced marriages, in which a woman or girl is snatched from a village for the pleasure of soldiers, ceased in patrolled areas.

The patrols were also a tool of recruitment. ANA officers would make tea time with village elders into an opportunity to show off their soldiers, equipment, and uniforms. They would give a talk about the benefits for young men who chose service in the army: good food, clothing, living quarters, and decent pay. At some of these gatherings, even Dostum officers would ask to join.

But while the wrongdoing of the warlords invited a response, action became ever harder to undertake.

On April 28 the ANA and American denizens of Camp Spartan got their wake-up call. Mosher gathered the unit together in the Spartan HQ tent to give them the news: Karzai had met in his Kabul palace with a delegation of town elders. The elders had pressed Karzai to allow them to elect their own governor from their town rather than take back the governor who had been ousted. Karzai refused. According to reports, at further badgering by the delegation, the interim president became angry and ordered a plane to take the governor back to Maimana immediately.

Now, Mosher reported, the hated governor was on his way via plane to the Maimana airport. Mosher encouraged his soldiers to review the base defenses once more. "If there was anything on your wish list that you wanted to accomplish, now is the time," Mosher told them.

As the day wore on, the soldiers at Camp Spartan got mixed signals, both from Karzai and from their own command. The governor was on his way, the governor wasn't, and so on back and forth.

In Maimana, a leader of the Jumbish Youth (Dostum's martial youth organization) said, "If the governor comes back we will make this a new Palestine." Reports suggested the leader had ties to Hamas and supposedly had instructed other youths in the organization in the techniques of suicide bombers.

Then, late at night, Mosher got another call. Karzai had changed his mind. He had met again with the elders and agreed to a new election. The governor's plane was diverted

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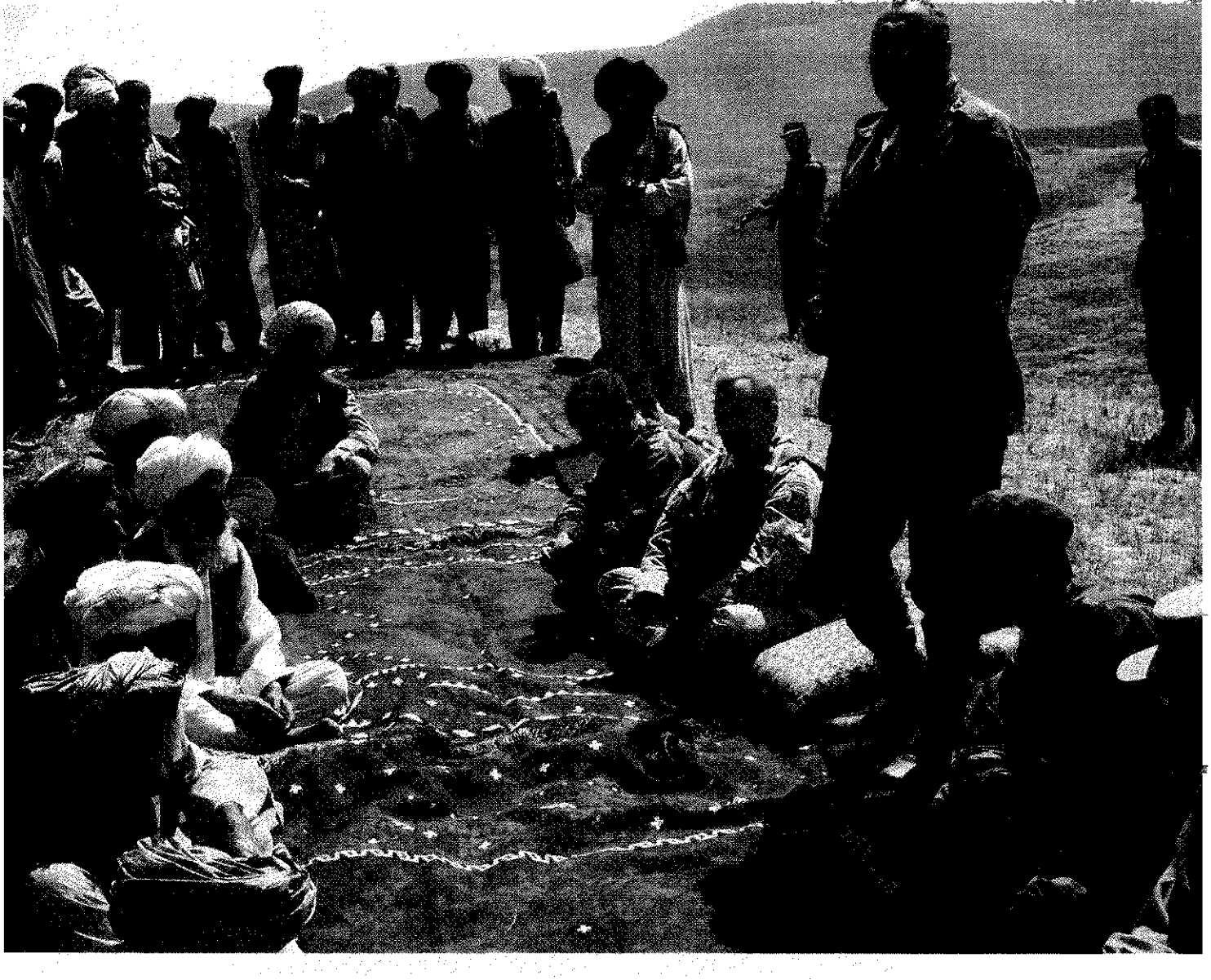

Elders of a Faryab village meet with a unit of the Afghan National Army and their U.S. advisers. Photo by Ben Fenwick

to Mazar-I-Sharif. The governor would not be returning—although his final disposition is still not certain.

Warlord for President

The reversal gave little respite. The next day soldiers loyal to Dostum, armed and on horseback, were reported converging in hills south of Maimana. The renegade commander, Habbibi, had returned to a small village in the middle of an opium-growing area and had taken up residence with up to 300 gun-toting supporters. With opium harvesting season in full swing, Habbibi's motive was obvious. Presence patrols in the area were cancelled. With the fruit withering on the vine, word came that a deal was being cut between Habbibi and Dostum. But the fighting continued through mid-May, with sporadic, sketchy reports of casualties. By June it was quiet again.

Afghanistan's elections were first pushed back from June to September, then to October. Then they were split. The presidential elections would be held in October, followed by parliamentary elections sometime in the spring. Slow registration was predictable in a shattered country torn by 25 years of war, with a generation growing up with a 71 percent illiteracy rate. In some regions with impassable roads, voter registration remained close to zero.

Meanwhile, rhetoric between Dostum and Karzai continued to boil. In mid-July, Dostum announced his candidacy for the presidency, jetting from his stronghold in Sheberghan to Kabul late on the night of July 17. He made the trip in secrecy after agreeing to meet with journalists for Reuters and British television, leaving them waiting for hours at an airstrip near the town. The move seemed an about-face for the former ally of the Soviets, Mujahedin, and Taliban. Dostum had gone from having his followers discourage voter registration to depending on it to keep his stake in Afghan national affairs. It was at that time that

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The force necessary to punish Afghan warlords can only come with the approval and involvement of U.S. forces. Will they wade into the warlord war, with resources and personnel already stretched thin?

a frustrated Karzai told *The New York Times* the threat of the militias was greater than that from Taliban insurgents, and that "the stick has to be used."

The "stick" could hardly be only the Afghan National Army, which by this time numbered just under 20,000, with the majority deployed throughout the country. Force to punish warlords could only come with the approval and involvement of U.S. forces. Would they wade into the warlord war, with resources and personnel stretched thin not only by Afghanistan but by Iraq?

Following his pronouncement, Karzai faced sudden dissension in his government when his defense minister, Marshal Muhammad Qasim Fahim, announced he was no longer on the ticket as Karzai's running mate. Fahim, himself a powerful Northern Alliance warlord claiming the allegiance of thousands of militiamen, as well as a number of other government ministers, overshadows possibly even Dostum as a threat.

Using Karzai's Stick

Karzai postponed a trip to Pakistan as rumors of a possible coup circulated throughout Kabul. U.S. officials planned an evacuation of Karzai and his remaining loyal cabinet members. By the end of July, the threat seemed to pass into unease. A roadside bomb with 16 kilograms of explosives was found at a major intersection near a string of coalition bases. It was defused before it exploded.

On July 29 the first shots of what may become the warlord war were fired. A contingent of ANA troops with their American advisers was attacked by what U.S. officers described as a "rogue" contingent of Afghan Militia Force (AMF) troops under Comdr. Mughabi of the 41st Division. The ANA was going to disarm that unit as a part of the U.N.-mandated disarmament, demobilization, and reintegration process. Somehow, reports indicate, the ANA unit confronted Mughabi's troops as they were transporting a load of opium into the town of Chacharan, between Herat and Kabul. The AMF opened fire on the ANA. The attack, which came at the end of the 45th Infantry Brigade's stewardship over ANA training, wounded two of the American trainers.

"There was a gunfight," said the 45th's Gen. Mancino. "Personnel were captured from both sides, by both sides. A-10s were called, and they engaged the enemy."

As predicted, when American air power intervened it wrought what was described as massive destruction among the AMF troops. They broke away from the fight.

"After the A-10s attacked, the enemy negotiated with the ANA, prisoners were exchanged, and contact ceased," Mancino said. "There were wounded Americans, none seriously, and wounded ANA." Officials refused to estimate the number of casualties on the other side.

Does this incident underscore Karzai's fears about the militia threat in the country?

"Actually, this is a good thing," remarked a U.S. spokesman at a press conference two days later. "This incident shows we are serious about the disarmament process and that we will act decisively."

On at least that occasion, Karzai's stick had proved effective. We'll see how it fares in the clashes to come.

Ben Fenwick (bookben@hotmail.com) is a freelance writer who spent five months as an embedded reporter in Afghanistan. He is writing a book about the experience.

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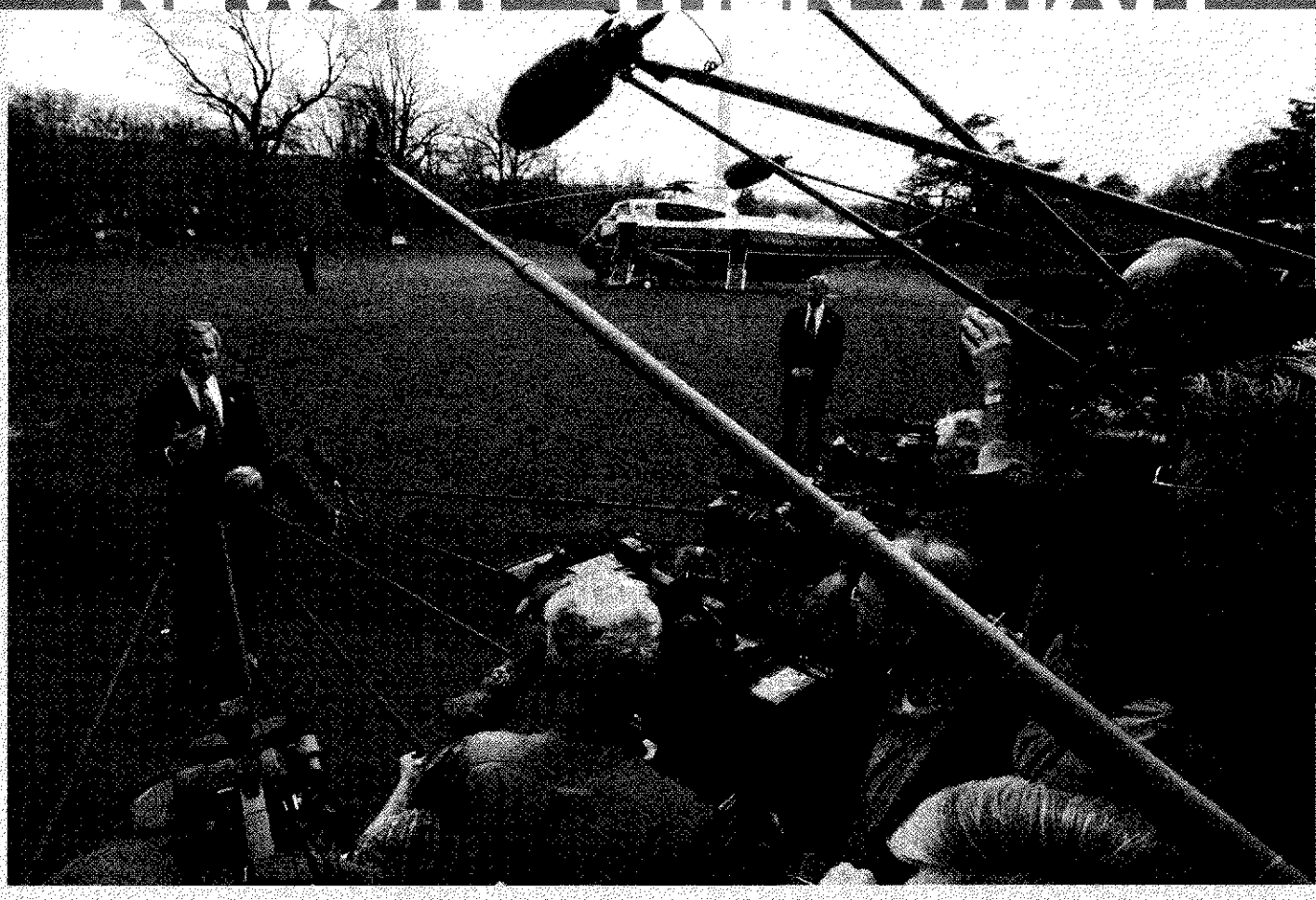
NEWS... THEN WHAT?



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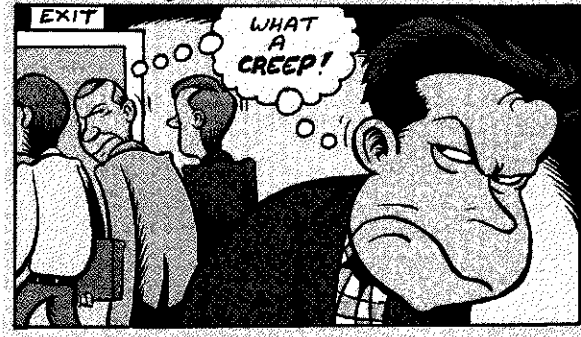
IN SEARCH OF...
AN HONEST REPUBLICAN
By PETER BAGGE '04
(PETERBAGGE@EARTHLINK.NET)
8/5/04: I'm deep in the bowels of Safeco Field, which U.S. Representative George Nethercutt (R-WA) has rented out to remind his fellow Washingtonians that he wants to be our next senator...
Nethercutt is best known for reneging on his original campaign pledge to step down after three terms. He's now in his SIXTH term, thus inspiring the creation of a new verb: nethercutting...
He's making his case for the Senate mainly by painting the incumbent, the quintessential "soccer mom" Patty Murray, as a borderline TRAITOR, while simultaneously grafting himself onto The Troops...
...SENATOR MURRAY HAS SHOWN TIME AND AGAIN THAT SHE HAS LITTLE REGARD FOR WASHINGTON STATE —OR FOR FAMILIES, OR FOR OUR YOUNG HEROES FIGHTING OVERSEAS...
SEATTLE MARINERS @ INTERVIEW ROOM
BUT, MR. CONGRESSMAN...
Nether... U.S. SENATE
ZZZZZ...
WHILE I CARE DEEPLY FOR OUR BRAVE MEN AND WOMEN IN UNIFORM, AS WELL AS FOR THE POOR PEOPLE OF WAR-TORN IRAQ...
...YOU STILL HAVEN'T TOLD US WHY YOU WON'T DEBATE YOUR REPUBLICAN OPPONENTS...*
Aww! He cares about both the bombers AND the bombees! How nice of him to help bring them all together!
*It's because he doesn't have to, ya dummy!

Nethercutt's dark horse status meant a small media presence, which also meant that I got to spend a whopping *two minutes* talking to him one-on-one -- though it felt more like I was being talked *at*...

I'VE SEEN NO EVIDENCE THAT THE PATRIOT ACT HAS BEEN MISUSED...
AND OF COURSE I'M NOT HAPPY ABOUT THE DEFICIT, WHICH IS WHY I ROUTINELY VOTE FOR A BALANCED BUDGET...
BUT AT TIMES OF WAR OTHER CONCERNS MUST TAKE PRECEDENCE...
YES, BUT, I... UH... ER... OKAY.
Interviewing a seasoned politician is like being run over by a steamroller!

At that, the congressman gave me the requisite hearty handshake and trademark Republican polite-yet-condescending smile before rushing back to D.C. to vote yet again in favor of a "balanced budget"...



I felt like I had dropped the ball by not calling him on the BS he hurled at me, but I couldn't bring myself to *get all up in his face* about it, figuring I'd just make fun of him in this comic strip instead. Just call me a gonzo *pussy*!

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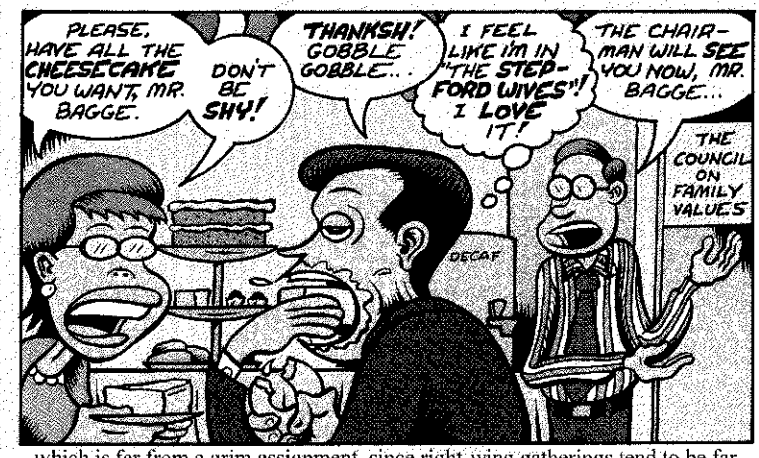
My dad was a Republican. He was all about low taxes and smaller government, though he was what would later be called a "moderate" or "Northeast establishment" Republican – a group that became somewhat marginalized as the religious right first joined and then began to dominate the G.O.P...

...WE MUST RESIST THOSE WHO ARE TRYING TO BAN GOD FROM OUR SCHOOLS...
?
WHAT CAVE DID THIS HILLBILLY CRAWL OUT OF?
ELECTION '80
REV. FALWELL

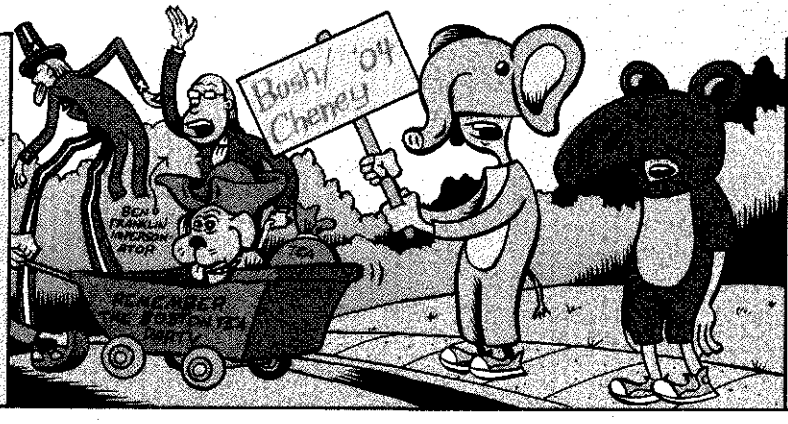
From that point on he held his nose and voted for the "lesser of two evils" – something he *never* felt he was doing when pulling the lever for the likes of Eisenhower and Goldwater.

These days, the only person who even pretends to believe that the GOP stands for a fiscally restrained, "hands off" government is George Nethercutt's speechwriter. The question is, does anyone care? Do any *Republicans* care? Out of curiosity, I decided to ask a few of them myself...


PLEASE, HAVE ALL THE CHEESECAKE YOU WANT, MR. BAGGE.
DON'T BE SHY!
THANKSH! GOBBLE GOBBLE...
I FEEL LIKE I'M IN "THE STEPFORD WIVES"! I LOVE IT!
THE CHAIRMAN WILL SEE YOU NOW, MR. BAGGE...
THE COUNCIL ON FAMILY VALUES
DECAF

...which is far from a grim assignment, since right-wing gatherings tend to be far more pleasant and *organized* affairs than their perpetually frazzled left-wing counterparts. Plus they know that the best way to a journalist's brain is through his stomach!

Republicans also love to wallow in all sorts of AMERICANA, which can be quite charming, if not downright *hilarious* at times. It seems to be a point of pride that they outdo the Dems in the sheer number of Uncle-Sams-on-Stilts or pets dressed as patriots at all of their rallies...



My all-time favorites were these two little kids dressed in animal costumes. The elephant reference was obvious, but who wss the kid in the FROG COSTUME supposed to represent? *FRANCE*, perhaps? I kept waiting for the elephant kid to beat up the frog kid as part of some political passion play, but no such luck.

One event that was sure to have plenty of such all-American cheese (as well as cheese*cake*) was this RNC-sponsored talk by the author of a book about the Founding Fathers, held in some slick suburban hotel. Being a Founding Fathers fetishist myself, I was there with bells on!

...DON'T YOU THINK THE WORD "STATIST" APPLIES TO BUSH AS WELL?
HEY, THERE'S A WAR ON! WHAT DO YOU EXPECT?
BUT KERRY'D BE MUCH WORSE. KERRY SCARES ME.
DOUBLETREE

In the parking lot I met a Libertarian-turned-Republican who justified his support for Bush by his fear of what an "unabashed statist" like Kerry would do to the economy. Like a true conservative, he'd rather settle for our *current* mess than experience a *new* mess!

Once inside, I listened to a woman who was running for a county judge position do some campaigning. Since the big news that week concerned a Seattle judge who had recently ruled in favor of gay marriage, everyone wanted to hear her take on such egregious judicial "activism"...

WOULD YOU BE AN ACTIVIST OR A CONSTITUTIONALIST JUDGE?
?!? ALL JUDGES ARE "CONSTITUTIONALISTS"!
ARE YOU A STRICT CONSTRUCTIONIST, THEN?
WITH ALL DUE RESPECT, I HAVE NO IDEA WHAT YOU'RE TALKING ABOUT!

She seemed both annoyed and confused by all the right-wing radio talking points being thrown at her, and when I later learned that she's a NARAL-endorsed trial lawyer, I had to wonder why she was even there.

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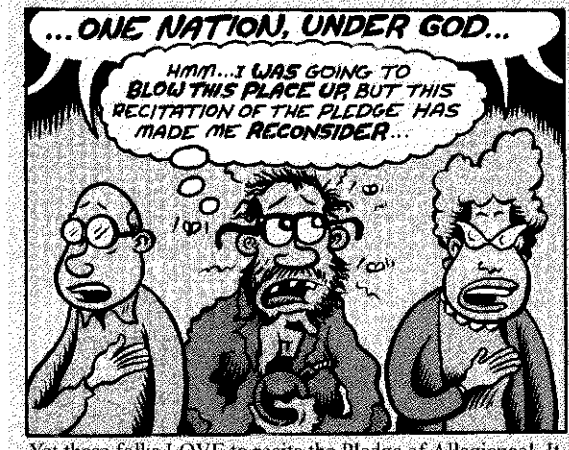
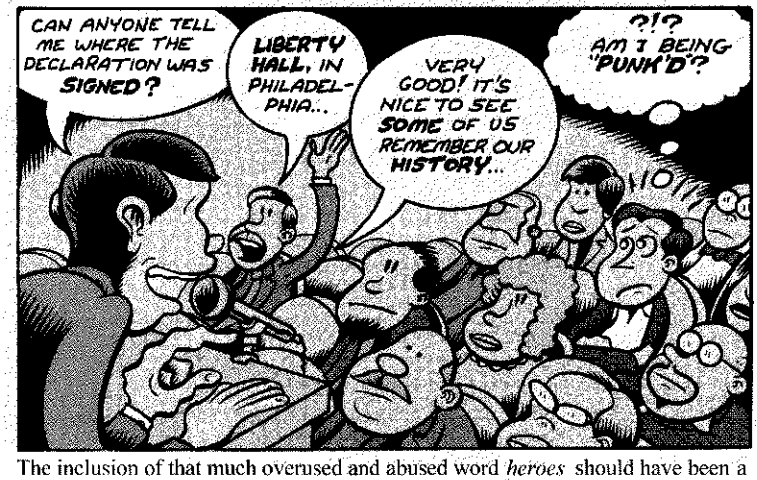
Before the lecture began, we were all asked to stand and recite the Pledge of Allegiance. Now this is one bit of Americana I could do without, since being obliged to recite the Pledge always adds a suffocating air of oppressiveness to any occasion. I *hate* it!



Yet these folks LOVE to recite the Pledge of Allegience! It seems to give them some kind of security, as if it were a magic spell to ward off *evil*. It's *weird*!

I was curious as to how Steven W. Allen, author of *Founding Fathers: Uncommon Heroes*, could also be a supporter of the all *too* common George W. Bush. I simply couldn't imagine how he could address the enormous intellectual chasm between his book's subjects and our current president...


CAN ANYONE TELL ME WHERE THE DECLARATION WAS SIGNED?
LIBERTY HALL, IN PHILADELPHIA...
VERY GOOD! IT'S NICE TO SEE SOME OF US REMEMBER OUR HISTORY...
?!? AM I BEING "PUNK'D"?

The inclusion of that much overused and abused word *heroes* should have been a tip-off, however, since Allen's take on the Founders was insufferably schoolmarmish and sentimental. It was all God and Country and Mom's Apple Pie. I felt like I was in the second grade again, praying for the bell to ring.

The author also went way out of his way to downplay any controversy regarding the Founders' alleged indiscretions, while also insisting that all of them were lifelong, unwavering CHRISTIANS...

...THE ONLY "PROOF" THAT JEFFERSON EVER WAVERED IN HIS FAITH WAS A TORN COPY OF THE NEW TESTAMENT FOUND IN HIS HOME AFTER HIS DEATH, AND THAT WAS IT!
AND THERE'S NO SOLID EVIDENCE THAT BENJAMIN FRANKLIN EVER SIRED AN ILLEGITIMATE CHILD! IT'S ALL SPECULATION!
WHEW! THAT'S A RELIEF!

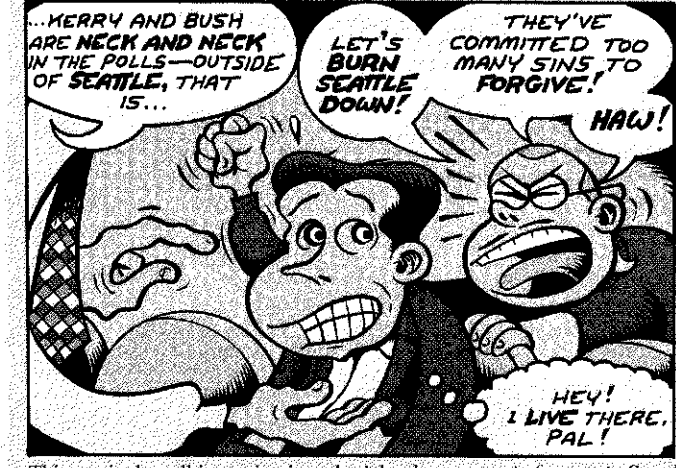
Sounding like the lawyer that he is, Allen apparently has moved to exclude the Founders' *own writings* as evidence, to avoid self-incrimination. "My clients plead the Fifth, your Honor!

Allen closed his PowerPoint presentation with a photo of President Bush signing 2002's hilariously titled "Corporate Responsibility Act"...

CORPORATE RESPONSIBILITY ACT
...IT'S THE PRESIDENT'S GOD-FEARING NATURE THAT INSPIRES HIM TO INSURE THAT SUCH FIASCOS AS THE ENRON SCANDAL NEVER HAPPEN AGAIN...

Once again my jaw was hitting the floor, since not only does this latest regulatory placebo represent the type of economic naiveté ("let's criminalize *irresponsibility*!") that the Democrats are supposed to be so guilty of, but the people who *perpetrated* the very scandal Bush cited are among his very best friends! Still, everyone in the room nodded in approval. God bless George W. Bush!

Finally, the *real* purpose of this meeting manifested itself, as an energetic, hard-sell, Young Republican got up and started urging everyone to *get out the vote*. He also spoke optimistically about how Washington should be considered a "swing state"...


...KERRY AND BUSH ARE NECK AND NECK IN THE POLLS—OUTSIDE OF SEATTLE, THAT IS...
LET'S BURN SEATTLE DOWN!
THEY'VE COMMITTED TOO MANY SINS TO FORGIVE!
HAW!
HEY! I LIVE THERE, PAL!

This particular talking point, i.e.: *don't let those commie faggots in Seattle give our state to Kerry*, was immediately embraced by this room full of phone-tree organizers – a little TOO enthusiastically, in one case!

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The speaker continued with more tips on how to sway fence-sitters...

...AVOID TALKING ABOUT ABORTION OR GUN RIGHTS. TALK ABOUT TAXES INSTEAD...
AND I.D. EVERYONE YOU TALK TO AS EITHER A DEMOCRAT OR A REPUBLICAN...
DON'T ASK THEM IF THEY'RE AN INDEPENDENT. DO NOT GIVE THEM THAT OPTION!

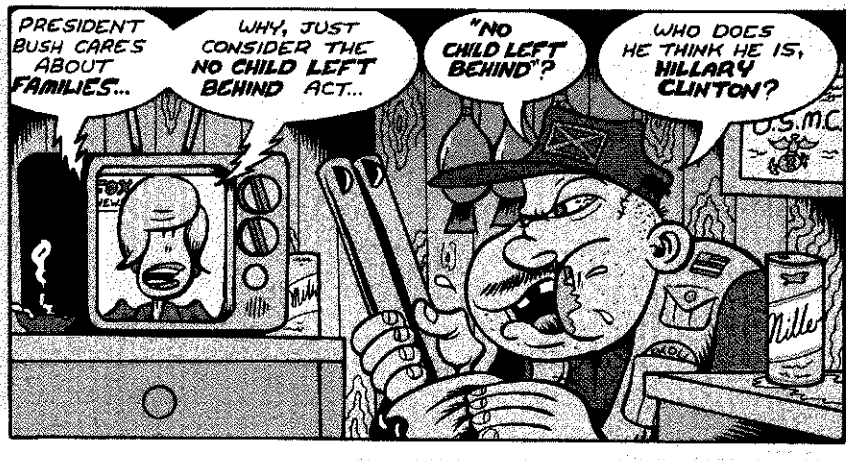
He was speaking purely in pragmatic terms, of course, but his words also spoke volumes about our inherently flawed electoral system.

Ruth Bennett is a Libertarian candidate for governor of Washington state. As is the case with every other third-party candidate, Ruth strongly supports State Initiative 318, which would implement IRV, or "instant runoff voting" (see www.irvwa.org for an explanation of exactly how it would work)...

I.R.V. VOTING WOULD DO AWAY WITH A THIRD PARTY'S "SPOILER" STATUS, WHICH MEANS NO MORE PRESSURING A RALPH NADER INTO NOT EXERCISING HIS CONSTITUTIONAL RIGHTS...
IT ALSO WOULD ELIMINATE THE NEED FOR PRIMARY ELECTIONS, WHICH ARE A HUGE WASTE OF TAXES ANYWAY...

Under this system, voters could chose not just one candidate for each office, but a second, third, and fourth favorite as well. That way, no vote could be considered "wasted," as all the second-place votes (and third and fourth-place votes, if necessary) are counted until one candidate has accumulated a majority.

I have no idea if IRV would succeed as advertised, but I'm more than willing to give it a shot – especially after hearing every Bush supporter I spoke to suppress *any* misgivings they might have about their candidate, in order to present a *united front*...


PRESIDENT BUSH CARES ABOUT FAMILIES...
WHY, JUST CONSIDER THE NO CHILD LEFT BEHIND ACT...
"NO CHILD LEFT BEHIND"?
WHO DOES HE THINK HE IS, HILLARY CLINTON?
U.S.M.C.
Miller

I guess I shouldn't be surprised that I *didn't* run into anyone who was openly horrified by our current GOP-controlled government's spend-aholic ways and enthusiastic "nation building," since they're more likely to be found sitting at home cursing the TV than attending some dumbass "rally."

Then there's the War on Terror, which trumps *everything* to some folks. To them, it's wrong to question war *at all* while said war is being conducted -- which, when you consider that this "war on terror" could go on *forever*, is a very frightening attitude indeed!

VOTING FOR BUSH IS OUT OF THE QUESTION! HE'S ANTI-CHOICE!
AND THE DEMOCRATS ARE ANTI-LIFE!
WOMEN'S RIGHT TO CHOOSE
VOTE THE UNBORN

Add to that such nonnegotiable issues as Abortion and Gun Rights (as well as that latest great divider, Gay Marriage), and you're always going to run into a lot of folks with blinders on in *both* camps.

This "choose sides!" political system of ours forces people to check their brains at the door once they join one party or another. This is evident in the way they routinely draw completely different conclusions from the same set of facts, while simultaneously insisting that everyone who comes to the "wrong" conclusion has been "brainwashed" by "corrupt" media...

THE MEDIA HAS AN OBVIOUS LEFT-WING BIAS!
CORPORATE CONSOLIDATION HAS TURNED THE PRESS INTO A MOUTHPIECE FOR THE MILITARY-INDUSTRIAL COMPLEX!
YOU'RE BOTH RIGHT! AND THAT'S WHY I'LL BE SPENDING THIS ENTIRE ELECTION DAY WATCHING MIDGET PORN!
JOHN Q. PERVERT
DOH! BAYBEE
GAP

It's no wonder so many Americans are entirely turned off by what passes for political discourse in this country. To the Major Party Faithful, the nonaligned are all guilty of being "misinformed" or "apathetic," but I'd say that turning a deaf ear to *both* sides' rhetoric may be the most *intelligent* political "stance" of all!

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Right-Wingers Redux

Are we a conservative nation? Does it matter?

Brian Doherty

The Republican Noise Machine: Right-Wing Media and How It Corrupts Democracy, by David Brock, New York: Crown Publishers, 420 pages, $25.95

The Right Nation: Conservative Power in America, by John Micklethwait and Adrian Wooldridge, New York: Penguin Press, 450 pages, $25.95

THE POLLS AS I write make it a mug's game to bet on the outcome of the presidential election. But the decision of the Americans who bother to vote this year is, to hear some tell it, a referendum on the direction of America. A victory for Bush, in the eyes of many supporters and opponents, would lock in a right-wing counterrevolution against the New Deal and Great Society values that have defined America for the last half-century.

Two new books promise enlightening looks at this supposedly dominant conservative establishment. David Brock, an apostate right-wing bomb thrower, looks primarily at that establishment's effect on news and opinion media in *The Republican Noise Machine: Right-Wing Media and How It Corrupts Democracy*. Brock is still more attack dog than thinker, so his book provides only a smattering of understanding—but plenty of opportunities to slake partisan bloodlust. John Micklethwait and Adrian Wooldridge, respectively U.S. editor and Washington correspondent for *The Economist*, try to chronicle and comprehend America's right wing, not merely deride and defeat it, in *The Right Nation: Conservative Power in America*.

Taken together, these two books demonstrate, with both their faults and their virtues, that obsessing about a right-wing/not-right-wing divide misses much of what's most interesting about the contemporary American conversation. It also obscures what's really important about America's present and future.

Brock's book is a headache. There's nothing wrong in principle with hundreds of pages of hateful invective, but *The Republican Noise Machine* has the added detriment of being humorless. Brock has never learned to be anything other than a partisan smear artist; he has merely switched sides. He appears to have no real interest in, or insight into, ideology or policy. All he knows is that he has evil people in his sights and it's time to *attack*, bludgeons flailing, wit and balance and perspective held in abeyance.

Brock is alarmed and incensed that in the past 20 years people have gained access to new tools for influencing the national political conversation: talk radio, a variety of cable news and opinion channels, the Internet. He correctly notes that many of the people using these tools are Republican partisans, spreading analysis and opinion that succor the GOP.

In Brock's telling, the cloud that darkened the sunlit realm of sweet reason that was America's press first appeared with the launching, via Edith Efron's not-widely-remembered 1971 book *The News Twisters*, of a deliberate and organized three-decade-long conservative march. The right-wing legions include the Murdoch media empire, think tanks like the Heritage Foundation, talk show hosts from Morton Downey (the mostly forgotten '80s TV loudmouth, who blitzkrieged himself in a faked Nazi assault, gets a whole chapter) to Chris Matthews, and TV journalists like the libertarian John Stossel of ABC News.

Brock sees the political conflict in contemporary America starkly: mainstream facts vs. right-wing lies. Consider his throwaway assertion that "when Senator Daschle made the factual statement that 'failed' diplomacy has led to war with Iraq, right-wing media accused him of siding with Saddam Hussein." Anyone who sees something uncontroversially "factual" in statements like that cannot be trusted to cut through the "noise" of contemporary political debate.

Judging the correctness of Daschle's claim requires assessing a range of facts, contested values, and even guesses about theoretically verifiable facts that for practical reasons cannot be ascertained. Daschle is drawing a conclusion that involves a subtle balancing of sometimes opposing values such as diplomacy and safety, assessments of the Hussein regime's trustworthiness, and value judgments about when it is appropriate to use American might. His statement is no more plainly and simply factual than the assertion that "George Bush's desire for world domination led to war with Iraq" or that "the evil of the Iraqi regime led to war with Iraq."

Brock's often stated, never demonstrated belief that only those he calls "right-wing" privilege ideology and values, while the "mainstream" stands foursquare for truth and fairness, is the only flash of humor in this tedious slog. He refuses to acknowledge the quiet biases that can influence thinkers and writers—those often-unarticulated standards of what ideas are respectable and how

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things ought to be. This failure makes Brock's book merely an angry, frightened spray of obfuscating ink in the waters of media culture. Anyone who doesn't recognize the subtle (and often not subtle) biases that set most mainstream media outlets of the 1970s and '80s against the opinions and values of a certain set of Americans can't understand why Rush Limbaugh and Fox News succeeded so quickly with such large audiences.

But Brock doesn't really want to understand. He's too busy red-baiting Barry Goldwater and Irving Kristol. Both men, you see, used tactics to spread their conservative ideas that were also used by *Communists*—in Kristol's case, such Bolshie trickery as "putting forth an endless series of journals, op-ed manifestos, position papers, public letters, and magazines."

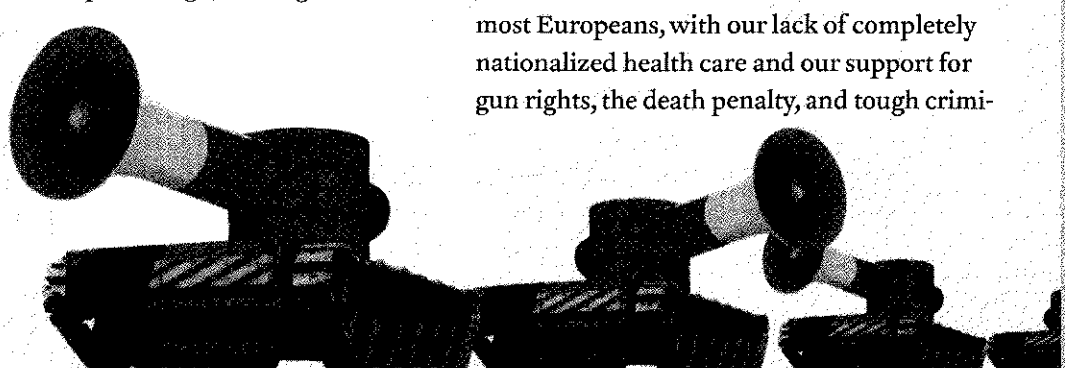
To demonstrate the mainstream media's lack of bias, Brock notes that a nonpartisan journalism project found the most common theme in coverage of George W. Bush during the 2000 campaign was "positive"—to wit, that he is a "different kind of Republican." Which is to say that being a normal kind of Republican is negative. Brock seems blithely unaware of what a giveaway that example is.

The best illustration of Brock's technique, though, is this gem: Discussing the success of right-wing books these days (after an age in which, "like followers of occultism, conservatives established their own bookstores and book clubs because existing stores did not stock their works"), Brock notes—purely factually, mind you—that "in its day, *Mein Kampf* was a best-seller."

By contrast, Micklethwait and Wooldridge are genuinely interested in explaining how and why conservatism has come to dominate America, and why that makes it unique among Western nations. Unsurprisingly, given their pedigree as correspondents for a European magazine, the book has a bit of a Eurocentric feel, as the authors set out to explain these curious right-wingers to the normal folk of the West. But their book is valuable for purposes other than the sour pleasure of hating your enemies.

Micklethwait and Wooldridge define American conservatism, in common with the traditional British conservatism of Edmund Burke, as a combination of patriotism, suspicion of state power, and preference for liberty over equality. But unlike Burkean conservatism, they posit, American conservatism (mostly) eschews elitism, skepticism about progress, and belief in established institutions and hierarchies. In more historically specific terms, since arising as a self-conscious movement in the 1950s American conservatism has been an uneasy blend of libertarianism, moral traditionalism, and anti-communism. That last element is obsolete, but anti-Islamism is a plausible substitute.

American and European government styles could be seen as converging in the regulatory welfare state. But Micklethwait and Wooldridge note how conservative America still seems to most Europeans, with our lack of completely nationalized health care and our support for gun rights, the death penalty, and tough crimi-



The Republican Noise Machine (cover detail)

Cramped Style

How regulators derailed California's most environmentally progressive development

The Sea Ranch coastal development, some 100 miles north of San Francisco in Sonoma County, is probably the best-known attempt to address environmental issues with innovative architecture and private covenants. As the development's Chamber of Commerce puts it, the community has sought to "blend man-made structures with their natural setting, and to 'live lightly on the land.'"

The architects who designed the early buildings at The Sea Ranch not only fomented what has become known as the "Sea Ranch Style" but drove the creation of the legal covenants that defined the landscape and created the community that exists today. They advocated "a close relationship to nature and the use of natural materials"; they believed that "buildings can and should become a part of the encompassing landscape."

Thus, houses would be clustered and set well back from the bluffs to protect clear »

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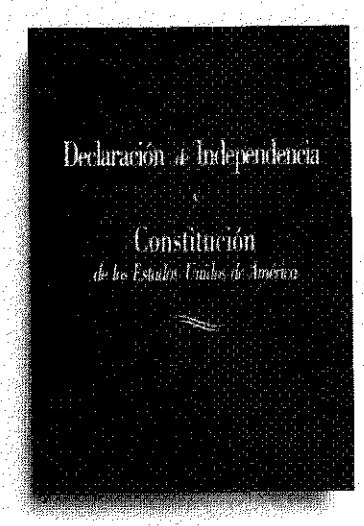

To encourage all Americans to better understand and appreciate the principles of government that are set forth in America's founding documents, the Cato Institute has produced this newly translated, bilingual edition of the Declaration of Independence and the Constitution of the United States of America. It features a preface by constitutional scholar Roger Pilon and is handsomely bound in faux leather and typeset with the English and Spanish text on facing pages.

Published in September in conjunction with National Hispanic Heritage Month, this pocket-sized edition is an indispensable guide for immigrants, new citizens, and lovers of liberty.

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nal sentences. And unlike the traditional European right, America's right is far more values-based than class-based; voting GOP corresponds much more closely with church attendance than with social standing.

Micklethwait and Wooldridge acknowledge, but do not give adequate attention to, two points that cast doubt on the significance of conservative power in America. First, the conservative ascendancy in American government is remarkably fragile. Bush lost the popular vote in 2000, and (as the authors note) if merely 94,000 votes had been cast differently nationwide in 2002, a Democratic majority would control both houses of Congress.

Second, the conservative ascendancy has been a mostly failed rearguard action against the continued momentum of the big government and socially fluid liberalism of the 1930s to '70s. Even after Reagan and Newt Gingrich, government on all levels is bigger and more intrusive than ever, taxing and spending and regulating more than the movement's political father, Barry Goldwater, could have imagined in his worst 1964 nightmares. When it comes to moral traditionalism, waves of permissiveness (or liberation, depending on your perspective) regarding marriage, sex, drugs, and popular culture have made 1950s-style traditionalists relics of an era that might as well be 500 years ago rather than 50.

All this makes it hard to argue that there has been any real conservative victory in America. Micklethwait and Wooldridge themselves note, in their introduction, "that the conservative movement's two main crusades—against big government and moral decay—have so far been more successful as rallying cries than as policies." Perhaps the only real victory of the conservative movement has been to provide ideological activists and publicists with a decent living as fighters against an ever-growing Leviathan and an allegedly ever-decaying culture.

Declaring that any contemporary alignments of party or ideology in America will rule the future is foolhardy. The fortunes of the big parties can shift precipitously. In 1964 only 25 percent of voters identified themselves as Republicans. Four years later Richard Nixon was elected president. Both parties are likely to continue to be resilient players, "Right Nation" or no.

Still, conservatism certainly has been significant to modern American political culture, even if only as a rallying point, whether in the polling booth or around a radio broadcasting Limbaugh. This is despite the fact that a sober analysis of conservatism's policy effectiveness would indicate that devotees of traditional values would do better, say, homeschooling their children than supporting the GOP. Devotees of limited government, for their part, would be better off trying to live as free a life as they can around government strictures, or casting protest votes for the Libertarian Party, than burning their energy as enthusiastic Republican partisans.

It's possible that many conservatives are making such a retreat from the electoral politics that dominate Micklethwait and Wooldridge's book. The authors say America has been a "50-50 Nation" since 1988, with the two main parties taking turns at the levers of state power; Democrat Clinton furthers more traditional Republican goals (welfare reform, deficit

The Right Nation (cover detail)

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reduction, free trade) than Democratic ones, and the wild libertarian Republicanism of the Gingrich revolution is quickly reined in. But the real "50-50" division in American life is between the approximately 50 percent of eligible voters who bother to participate in the Democrat-Republican sports contests these days and the rest of us.

The story of how Americans live their own lives outside state control is the most interesting aspect of our national life that Micklethwait and Wooldridge touch on, with their brief discussions of phenomena such as proprietary communities and homeschooling. Also revealing is their take on what lifestyles lend themselves to support for different politicians. They provide a clever visitor's guide to the differences in community life between House GOP leader Dennis Hastert's Illinois district and the California district of House Democratic leader Nancy Pelosi.

Hastertland is a place of unrestrained suburban growth, of private property ownership on large tracts for families with children, of megamalls and low crime. Pelosiville is a community consisting mostly of single renters walking down urban streets lined with beggars, an "edgy" mix of "blue bloods and gays, dot com millionaires and aging hippies." One of the glories of this great nation is that we have this kind of choice to make.

Micklethwait and Wooldridge mostly tell the story of the purely political part of the Right Nation's saga, and they do so perceptively and entertainingly. They use the attitudes and careers of the Bush family as a synecdoche for changes in the Republican Party during the last century. This leads to a delightful tribute to **reason**'s own Jacob Sullum (and a telling example of the distinctions between pure libertarians and the GOP): "Old Prescott Bush would have felt at home in the Brookings Institution or the

views of the land and sea. Roads and houses would be parallel to hedgerows, creating diagonal views of the ocean and taking advantage of natural windbreaks. No nonnative vegetation would be visible, cars would be kept from view to avoid reflections, natural materials would be used for exterior walls, houses would be kept to low heights, and there would be neither curbs nor sidewalks. In addition, 2,300 acres would be owned in common by the members of the Sea Ranch Association.

Today there are about 1,600 homes on the 4,000-acre property and about 600 undeveloped lots. The Sea Ranch has 500 permanent residents, and the Sea Ranch Association, which maintains and enforces the covenants through a design committee, has 1,500 members. According to Sea Ranch Realty, home prices start at about $400,000 and lot prices range from about $100,000 in the forests to $1 million for oceanfront property.

Short of a visit, the best way to experience the community's unique architecture is Jim Alinder's stunning photography in the recently published *The Sea Ranch* (Princeton Architectural Press). There are nearly 400 images in the book, 200 of them in color. The text, by architect Donlyn Lyndon, addresses why certain houses work with both the interior and exterior space they are given. Most houses, for example, are individually adapted to the contours of earth and vegetation. »

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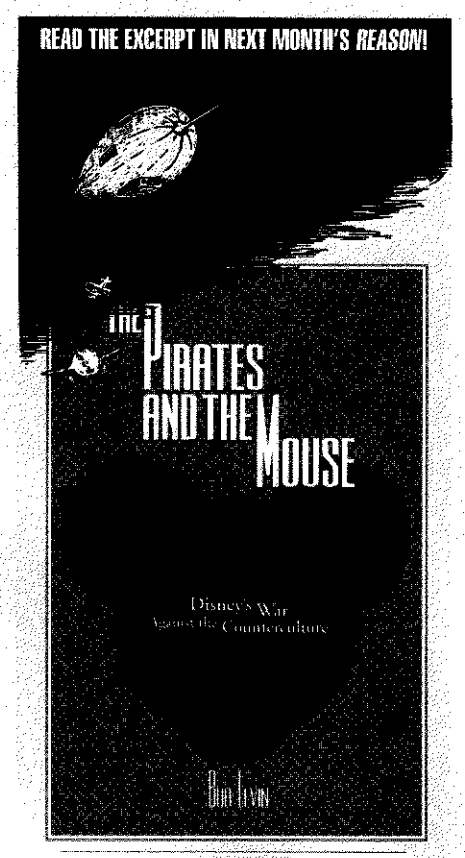

"FASCINATING AND INFORMATIVE... AN IMPORTANT STORY." —THE ONION

IF WALT DISNEY'S MOUSEKETEERS WERE THE FRESH-SCRUBBED FACE OF 1950S AMERICA, THEN DAN O'NEILL'S AIR PIRATES WERE ITS HEDONISTIC 1960S ANTIDOTE. THE PIRATES AND THE MOUSE IS THE STORY OF FIVE YOUNG ARTISTS WHO TOOK IT UPON THEMSELVES TO DESTROY THE WALT DISNEY COMPANY BY DEPICTING MICKEY, MINNIE AND GOOFY AS DEBAUCHED ADDICTS, LAUNCHING ONE OF THE BLOODIEST COPYRIGHT BATTLES OF THE LAST HALF-CENTURY.

"Intrinsically fascinating... a 'must-read' for anyone concerned with such issues as artistic freedom, copyright law, as well as readers seeking to learn more about the oft-unspoken and somewhat darker side of the corporate Disney." — MIDWEST BOOK REVIEW.

"Rollicking... the treat of Levin's book lies in its Merry Pranksterish narration, equal arts smart-ass opinion and conventional reportage." — SALON.COM

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Council on Foreign Relations; if he woke up in a Cato seminar on 'Saying Yes: In Defense of Drug Use' (the title of a talk by Jacob Sullum...) he might feel like informing the police."

Despite the rise of what calls itself conservatism, America is still much more a centrist-liberal nation than a "right" one. The New Deal, most of the Great Society, and all the regulatory apparatus from both parties since then are still largely intact, if not growing. Sure, there were cuts in marginal income tax rates under Reagan and welfare reform under Clinton. But George W. Bush has given us a $500 billion Medicare expansion, $180 billion in fresh agribusiness subsidies over the next decade, and expansions in government power and spending of all varieties. If the Right Nation is supposed to stand on three legs, the libertarian one has been lopped off.

> The real action in American culture is in business and science and technology and ways of living—not in party politics.

American centrism is always willing to embrace one more government program, as long as marginal income tax rates aren't raised too much in the short term. Thus, American government as it stands is heading toward an inevitable collapse of entitlement programs and a concomitant crisis of confidence that may finally deliver a serious libertarianism in American politics, from necessity if not ideology. (It may also lead to something far worse.)

But what makes America a truly significant country, for Micklethwait and Wooldridge's curious and concerned European audience, probably won't have much to do with whoever wins the election this year—whether it be a continuation of Republican dominance or a Kerry relaunch of whatever tendency he is supposed to stand for. (He swears it isn't liberalism—and that is one indication that the Right Nation has at least affected the way voting Americans think of themselves, if not the way they are governed.) American exceptionalism and influence have more to do with the giants of American life as it is actually lived, from Bill Gates to Sam Walton to private spaceflight entrepreneur Burt Rutan to venture capitalists and biotech scientists whose names neither readers of *The New York Times* nor viewers of Fox News would ever encounter. The real action in American culture, and its impact on the world, is there, in business and science and technology and ways of living—not in party politics and ideology.

Especially in this election year, it's vital to keep that point in mind. Emphasizing it more would have helped Micklethwait and Wooldridge's readers understand what America, mysterious and large and contradictory as it seems, is really all about. And it would help keep the likes of David Brock, and the hysterical partisans on all sides who relish the sports-team political warfare that is his bread and butter, from being quite so serious about their essentially unserious pursuits. ▪

Senior Editor Brian Doherty (bdoherty@reason.com) is the author of This Is Burning Man (Little, Brown).

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Free Culture vs. Big Media

Lawrence Lessig leads the charge to retake the public domain.

David G. Post

Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity, by Lawrence Lessig, New York: Penguin Press, 240 pages, $24.95

EIGHT YEARS AGO in this magazine, I wrote about the "First Internet War": the Church of Scientology's use of copyright as a weapon against online critics who were circulating copyrighted material belonging to the church. (See "New World War," April 1996.) The case, I suggested, raised a series of "difficult and important legal issues that courts are likely to be struggling with for some time": How can copyright law, designed for the world of atoms, "take account of the strange features of this new informational landscape" in the world of bits?

Since then the questions have only become more difficult and more important, what with Napster, the recording industry's campaign against file sharing, the Digital Millennium Copyright Act, e-books, open-source software, open-access journals, TiVo, the Grey Album, and so on. Copyright law and copyright problems have gone mainstream; now everyone is thinking about copyright, and everyone—save perhaps for the most hidebound record company executive, or maybe former Motion Picture Association of America head Jack Valenti—recognizes that the technology is ushering us into a new kind of copyright space. But what does that space look like? What *should* it look like?

Enter Lawrence Lessig, who has transformed himself from a relatively obscure Stanford law professor toiling away in the academic vineyards into one of the best-known public intellectuals on the planet. Whenever talk turns to intellectual property and cyberspace, it seems, Lessig's name is invoked.

In *Free Culture*, his third and best book, Lessig shows his hand. He has a cause, and he wants us to rally to it. The cause is the protection of that imaginary piece of real estate known as "the public domain" and the "free culture" that has always, Lessig argues, been built upon and interleaved with it—the culture of transformative art, of sharing and borrowing and reborrowing and retransforming, of collages, cover versions, dramatizations, fictionalizations, and adaptations—the whole universe of ways new art builds upon and emerges from old.

It must be said that law professors usually do not make good rabble-rousers. Good rabble-rousers must engage the public's emotions. Law professors serve the goddess of reason alone, and she is a jealous mistress. Our arguments are too esoteric, our prose is too dense, we are too

Free Culture (cover)

Many of the most dramatic photos are shot from inside the homes looking out, giving a sense of individual taste as well as the beauty of the landscape. It is this desire to integrate people and nature—along with a private, contractual approach to achieving it—that markedly differentiates the Sea Ranch's designers from that other breed of planner, the regulator.

In that distinction lies the irony of The Sea Ranch. At the start, the building restrictions were remarkably successful, resulting in dwellings that were not only well suited to their location but comfortable to live in. The covenants may have been restrictive, but they were, after all, designed by architects who knew they had clients to please and homes to sell.

In the early 1970s, though, The Sea Ranch became a target for the Sierra Club and other environmental groups, which didn't think people and nature should be mixed in this fashion and opposed any exclusive access to the shoreline, even by the "nature lovers" at The Sea Ranch. Their efforts led to the creation of the California Coastal Commission, a powerful new regulatory body set up to protect the state's coastline. The commission immediately imposed a building moratorium on The Sea Ranch, which lasted from 1973 to 1980.

To end the moratorium, The Sea Ranch had to agree to reduce the number of home sites from 5,200 to 2,300. At the start of the moratorium, there were 300 homes and »

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fond of abstraction and of argument for argument's sake, to rally people to fight under a common banner. The hyperrational discourse of the law school classroom and law journals is not, generally speaking, good training for populists.

Of course, bad rabble-rousers also engage people's emotions; when it strays too far from reasoned argument, rabble-rousing becomes demagoguery. It's a notoriously difficult line to walk, but when it is done well—judged on the terms not of the academician's debate but of the public's—it is honorable work. And in *Free Culture*, Lessig does it well.

Lessig succeeds in showing that "free culture" has always been a vibrant part of our intellectual heritage. There's not a musical phrase, a scene from a movie, or an essay on a blog that does not borrow *something* from earlier work. Scott Joplin borrows from W.C. Handy, George Gershwin borrows from Joplin, Igor Stravinsky and Miles Davis from Gershwin, Aaron Copland from Stravinsky and Davis, John Williams from Copland—and a thousand would-be composers around the globe now try to sound like John Williams. Pick your art form. That's always the way it is.

Lessig makes wonderful use here of the greatest of all free-culture icons: *Steamboat Willie*, the 1928 Walt Disney cartoon that introduced Mickey Mouse and launched an empire. He shows that large chunks of the short were borrowed from, and played off of, Buster Keaton's silent film *Steamboat Bill, Jr.*, which was itself borrowed from a song, "Steamboat Bill." As Lessig puts it, Disney "ripped creativity from the culture around him, mixed that creativity with his own extraordinary talent, and then burned that mix into the soul of his culture. Rip, mix, and burn."

This culture of creative borrowing exists, of course, in the shadow of copyright law—mediated and regulated by the rules governing what may be taken from pre-existing works and the uses to which those works may be put. That's copyright's job: to give past and present authors a degree of control over the future uses of their work. It wraps up things that have already been created in a kind of protective shield, and it says to the authors of these works: You may stop people from doing certain things to your work, or you may condition their doing those things on the payment of whatever fee you deem reasonable.

Copyright does this for the benefit of the future. The point of protecting the current stock of intellectual goods is to give future creators a continuing incentive to create, assuring them there will be markets for their creations. At the same time, though, copyright makes the task of those future creators more difficult by making it harder for them to borrow/steal/parody/build upon/transform/adapt/modify/rip earlier works.

This tension between the claims

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of the already created and the not yet created, between the past and the future, is always at the core of copyright law. It becomes acute when, as now, revolutionary new technologies of production or distribution come along. *Free Culture* includes illuminating descriptions of the battles that accompanied revolutionary technologies (and some technologies that, in hindsight, were not so revolutionary): the camera, motion pictures, the player piano, radio, television, long-playing records. There always has been, and probably always will be, intense warfare on the copyright battleground whenever such technologies emerge—between those who want to extend their creative control over developments in the new media and those who want to use the new technologies to recreate, reinterpret, reuse, and redistribute existing works.

> There's not a musical phrase, a scene from a movie, or an essay on a blog that does not borrow *something* from earlier work.

Through it all, Lessig suggests, copyright law has managed, by and large, to steer a middle course, giving enough protection to existing stakeholders so that they have the necessary incentives for continuing to create, while limiting that protection so that the next generation of creators can use and adapt prior material for their own ends. To use an example Lessig makes much of, when radio and recording technology came of age in the early part of the last century, a series of court decisions and changes in the Copyright Act gave broadcasters something (the right to play recorded performances on the air without seeking the permission of, or paying a royalty to, the performers) but not everything they wanted (they do need to pay royalties to the *composers* of the works); gave the composers something (the right to a royalty from broadcasters) but not everything they wanted (performers are permitted to make "cover versions" of previously recorded works without the composers' permission); and gave performers something (the "cover right") but not everything they wanted (performers still have to pay royalties if they exercise their right to cover a song). The law, in other words, carved out a zone of protection and a zone of unprotection, the private domain and the public.

To be sure, the balance never has been struck perfectly; law is not like that, and in any event we'd surely be unable to recognize the "perfect" balance even if we happened to stumble upon it. But Lessig argues that we managed to achieve a kind of rough, workable balance. Until now.

The current state of copyright law is many things; balanced, though, it is not. "Swollen to gargantuan proportions" is closer to it. Copyright began as a scheme for regulating a small corner of the universe of creative activity. The first Copyright Act, Lessig explains, protected only "books, maps and charts" (intentionally excluding songs, paintings, dramatic performances, speeches, newspaper articles, and so on); it protected them only against duplication in the same medium (intentionally excluding translations, dramatizations, adaptations, and the like); and it did so for no more than 14 years. Copyright has morphed into a system under which virtually all creative output is subject to rights that are virtually unlimited in scope and virtually perpetual in duration.

Just about every bit of creative expression committed to paper or canvas or computer screen anywhere on Earth—every e-mail you write, every doodle on your office notepad, every photograph you take—is, under current law, protected by copyright. Protection attaches to it

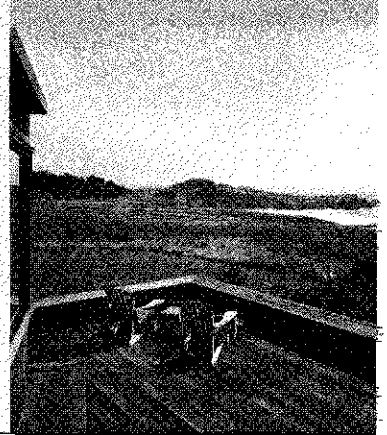
Continued on page 84

1,400 lots sold. The design and landscape restrictions, contrary to the fears of some real estate agents, were increasingly cited by buyers as a selling point. After eight years without building and a severe reduction in lots, however, The Sea Ranch was losing money hand over fist. When building finally did resume, the covenants were loosened considerably to generate a quick infusion of cash.

As a result, there are now effectively two Sea Ranches. As described by Lyndon, "The southern sectors, which were developed in the 1960s and 1970s, have an air of restraint and respect, their houses indeed in partnership with the land. In the northern meadows, houses put up after the early 1980s line up rigidly along the streets and form solid, view-blocking walls along the bluffs. Others protrude, exposed, from the forest above."

And that is how a state effort to protect coastlands derailed the most environmentally progressive development California had ever seen. ■

Michael De Alessi (michael.dealessi@reason.org) is a senior fellow at the Reason Foundation.



The Sea Ranch (cover detail)

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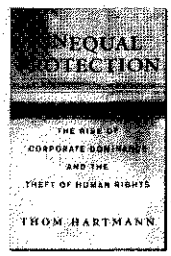
CORPORATIONS ARE NOT PEOPLE



- Why should the government give more rights to corporations than individuals have?
- The Boston Tea Party was *not* a protest against "taxes." It was a WTO-style protest against transnational corporations.
- The 14th Amendment (granting basic rights to freed *individual* slaves) has been misused by lawyers representing corporate interests to sell out individual rights.
- Corporate managers, as a class, have more in common with government bureaucrats than they do with private individuals.
- The largest transnational corporations resemble kings more than they do us.

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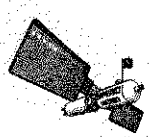

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the moment it sees the light of day—you don't have to register it or put a "copyright notice" on it; the protection lasts until long after you die (70 years in most cases); and the work can't be copied, downloaded, stored in a searchable database, translated, abridged, performed, made into a movie, or used as the basis of a satirical video without your permission.

At just the moment when the technologies of borrowing, sharing, repackaging, and reinventing—technologies such as blogs, wikis, peer-to-peer file sharing, full-text searching, digital video, and off-the-shelf music mixing software—have become so powerful as engines for creative expression, copyright law permits, in effect, nothing at all. Just when the future of creative expression looks so promising, argues Lessig, the claims of the past have been shored up, and they block the way.

Copyright, "which began as a tiny regulation governing a tiny part of the market for creative work, has become the single most important regulator of creativity there is," Lessig writes. "It is a massive expansion in the scope of the government's control over innovation and creativity; it would be totally unrecognizable to those who gave [it] birth."

What, if anything, is to be done? Lessig's position is clear: This "massive expansion" in copyright's scope needs to be corrected, and corrected soon; copyright needs to be recalibrated, rebalanced, reined in. In the second half of the book, he offers some specific proposals for how that rebalancing might be achieved. Some of his suggestions strike me as well-conceived: proposals to shorten the term of copyright, to broaden the scope of permissible "fair use," to reduce the copyright holder's ability to control the production of "derivative works," and to reintroduce copyright formalities (so that those who actually want the protection provided by copyright law have to take affirmative steps to obtain it).

Other suggestions require a bit more thinking through. For instance, Lessig's proposal for an Internet-wide compulsory licensing scheme—a fixed, government-set royalty rate covering all music downloads—strikes me as unwise. There are, to begin with, serious practical and theoretical problems with any scheme that sets a single (per-byte?) price to cover *all* musical works. More importantly, under a compulsory licensing scheme, the government is suddenly the arbiter of all transactions; every music download becomes, literally, a federal case. The potential for government snooping, not to mention the administrative nightmare, gives me pause.

And I have some other nagging doubts that Lessig never quite dispels. It's undeniable that the scope of copyright has expanded vastly during the last few decades. But there is a respectable slice of opinion that views this expansion much more positively than Lessig does—one that welcomes these developments.

This position starts from the premise that copyrights are, fundamentally, property rights, and that property rights are, as a general rule, a good thing. Without property rights there can be no markets, and without markets there is no way to process all the information about individual needs and wants or to translate that information into socially beneficial production and allocation decisions. Copyright law, from this perspective, is a marvelous, decentralized prop-

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erty-creation machine; everyone gets to "own" his or her creative expression and to do with it (or *not* do with it) whatever he or she pleases.

Those who take this position believe the more copyright protection, the better. The broader and deeper the copyright, the broader and deeper the markets for creative expression; the broader and deeper the markets for creative expression, the more creative expression we'll get. No balancing required, thank you very much.

Lessig treats this opposing view rather offhandedly, a serious flaw in an otherwise excellent book. The problem with this expanded property creation scheme, he (rather lamely) suggests, is that the property being created is gobbled up by a few rapacious oligopolists. At the end of his description of the "massive expansion" in copyright's breadth and scope he writes: "*All of these changes would not matter much*, if it weren't for one more change[:] the change in the concentration and integration of the media....In the past twenty years, the nature of media ownership has undergone a radical alteration, caused by changes in legal rules governing the media. Before this change happened, the different forms of media were owned by separate media companies. Now, the media is [sic] increasingly owned by only a few companies." (Italics added.)

> Copyright has become a system under which virtually all creative output is subject to rights that are virtually unlimited in scope and virtually perpetual in duration.

So "media concentration" is the real culprit in all this? The expansion of copyright "would not matter much" if we had better antitrust enforcement?

Personally, I'm not about to follow Lessig to the barricades of copyright reform with nothing more than this in hand. In a world where anyone with an Internet connection has access to a prodigious, historically unprecedented diversity of "media," the notion that "media concentration" is at the heart of our problems strikes me as implausible. Lessig's analysis of the issue consists of little more than a few anecdotes about Rupert Murdoch's appetite for broadcast properties and Norman Lear's difficulties in getting *All in the Family* picked up by network TV. There may well be a principled rejoinder to the property rights advocates that doesn't rely on the bogeyman of monopoly control. But if there is, Lessig doesn't provide it here.

Free Culture is not, then, the final word on the subject. But to be fair to Lessig, the rabble-rouser's job is not to have the final word. Good rabble-rousers don't end the discussion; they get it started.

I get questions from time to time, from students and others, looking for help sorting out the issues surrounding the music piracy battles. Who's right, and who's wrong? What should copyright law do about all this file sharing? What good is copyright, anyway? I'll be pretty comfortable, for the foreseeable future, suggesting that they could do much worse than to start with Lessig's book. ◻

David Post (David.Post@Temple.edu) is a professor at Temple University's Beasley School of Law.

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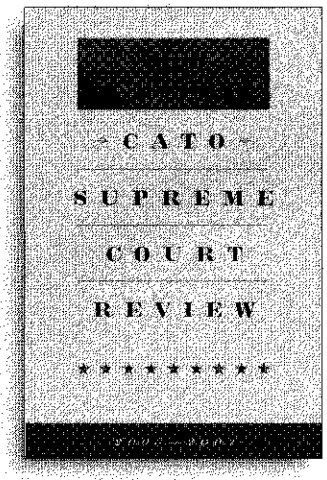

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Burning Man's Piano Mover

Turning ruined instruments into a desert spectacle

Brian Doherty

Steve Heck is a thick Grendel of a man, with a long beard he hacks with a knife and ties off at the bottom. He can move a piano over a foot merely by smacking it with one hand.

He lives in a warehouse in Oakland. Plato would be amazed at how the Perfect Idea of clutter has entered the phenomenal world down this dismal Oakland side street. Heck inhabits two stories and a huge yard, and every inch except for a narrow walkway is cluttered with vehicles and wood piles and clothes and boats and engine parts and sculptures and appliances and magazines and lathes, everything Heck ever got his hands on, except the things that burned when his old house caught fire many years ago.

That fire imbued him with a calling. Heck had been a piano mover. His house was filled with so many pianos you had to walk over them to get through the living room. Suddenly he had hundreds of burnt pianos. He was seized by a compulsion to make something of his tragedy: the notion that nothing can leave his care until he has transformed it into art.

He makes versions of famous images out of any material at hand: cracked porcelain, burned wood scraps, chunks of old books. He proudly shows me his Marilyn Monroes and an image recreating that famous picture of a Viet Cong prisoner being shot in the head. He's been fighting for years with city officials and landlords over his junk-besotted lifestyle. He feigns complete irrationality, so cops and code officials throw up their hands and give up. You'd call him insane with no compunction, if not for the intelligent incidity with which he details his own obsessions.

Late in the summer of 1996 Heck had a vision of his burnt pianos in the desert. He had never been to Burning Man, the temporary city and arts fest that arises and disappears every year on Nevada's Black Rock desert playa, but he knew a couple of the event's organizers. He asked if he could bring his pianos and was told sure, bring 'em out.

So he brought them, and he dumped them on the desert floor. Someone drove by in a truck with some guys and asked Heck if he wanted to come with them for a hot spring soak. He went, and afterward they stopped in the town of Gerlach for dinner. Then they wanted to reload the truck with supplies, and Heck, who was desperate to realize his vision, rebelled. He stalked angrily away, no goodbyes.

Steve Heck was seized by a compulsion: the notion that nothing can leave his care until he has transformed it into art.

Heck had paid no attention to how far from Gerlach the encampment was. So he walked. He hadn't drunk anything but rum since hitting the desert. As he arrived at the playa entrance around 12 miles from town, he flagged down a pickup truck. "I am sitting in the back of this pickup truck," he remembers, "and it starts to rain, and it feels like people were shooting me with .22 shells and I am so pissed at them... and I am thinking this is the worst experience I had ever had in my life."

Tired of dealing with the high-speed bartending from the rain, he jumped ship. "Fuck it, I'm walking again," he says. "And I can see lights, and all of a sudden the lights disappear. And it's still raining. And I am wearing a wife beater T-shirt and a pair of shorts. No socks and these shoes I never, ever wear... And the winds come in, and through the dust and the rain I can see a car and I start running after it... And this is what I learned about perspective out there: it can be five miles away or 500 feet away and it looks the same. But I'm chasing that car and I see a train and run toward the train and I am way, way, way fucking lost. I take my shoes off and my feet are swollen and I can't get my shoes back on and my feet are bleeding.

"I wander and I wander and then I had cramps so I get on my hands and knees so the body warmth doesn't go into the earth. And I get up again and when I look up there are these two things the size of bowling balls... like eyes.... They are so ridiculously dating and making this noise, like, 'EE EEEK!' And they pass me and I am chasing them, and then they are following *me*, and every time I collapse they get closer. I am playing a game with these two giant floating heads and there must be some alien ship or something and they are watching me."

Deluded, dehydrated, mad, Heck wandered toward a tree at the edge of the playa, across the railroad tracks, and approached Trego hot springs. He walked over a section of earth that was a thin crust over boiling hot spring water, and his

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feet broke through the crust, which ripped back his toes and scraped blood from his shins. "And there is no one who can find me and there is no one who knows where I am," he recalls. "And there are 88 pianos dropped off in the desert and ... a bunch of hippies who will beat them with sticks. I didn't drink about my mom or my grandmother, just those 88 pianos.

"Finally the sun is coming out. I'm on knees and elbows, and the sun is hitting my ass, so I can figure out which direction I was going. At night, I had never seen so many stars. I'd been talking about tracking by the North Star, the landmark, right? Yeah, maybe. Well, the sun is coming up, and in a couple of hours I'll be fucking dead. And I see an RV. It might be two miles away, but I'm going find it and drink the damn toilet if that's all there is. This is gonna be the death march, and God help them on that RV if they try to run away.

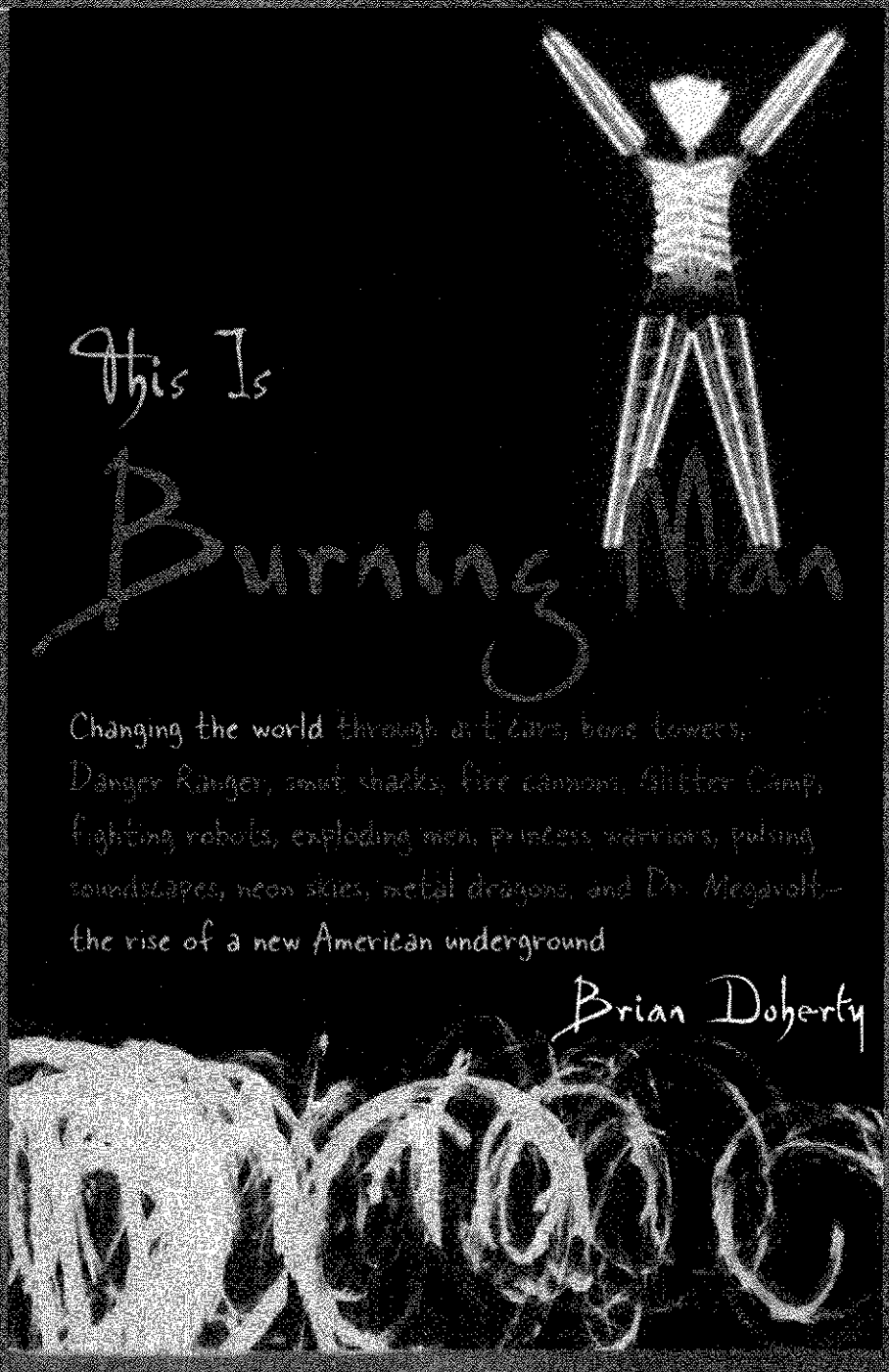
"My mouth feels like a leather bag full of sand, my lips are bleeding, and before I reach the RV this little cat is crossing my path. ... I'm making noises like, 'Meow-aphrphrh.' I've got a knife in one hand and zero bucks in the other, and I'm prepared to kill them if they try to drive away. They hand me water and I can't even feel it as I'm drinking it, and all I can say to these dudes is, 'Don't be me, don't be me!'"

The kids brought him to Burning Man.

With only two assistants and stacked boxes to slide the pianos up on, Heck built a structure, three pianos high and double thick, a sort of open cathedral of pianos.

Most of the pianos were already on various stages of collapse, burnt, their inner workings exposed. For days it became a giant meta-percussion instrument, with everyone plucking and banging strings and the pianos' bodies. It generated a constant resonant smack-boom-hum, and it was so much nothing you had ever seen before that it became an instant Burning Man legend. At the end, it burned.

Says robot artist Christian Ristow: "How could you possibly rationalize bringing ten tons of half-burned pianos out there? ... Such a phenomenal, primal vision. One of the most amazing things I've seen."


This Is
Burning Man
Changing the world through art cars, bone towers, Danger Ranger, mutant chariots, fire cannons, Glitter Camp, fighting robots, exploding men, princess warriors, pulsing soundscapes, neon skies, metal dragons, and Dr. Megavolt—the rise of a new American underground
Brian Doherty

Senior Editor Brian Doherty (bdoherty@reason.com) is author of This Is Burning Man: The Rise of a New American Underground *(Little, Brown), from which this article is excerpted. Copyright © 2004 by Brian Doherty. Reprinted with permission of Little, Brown and Company. All rights reserved.*

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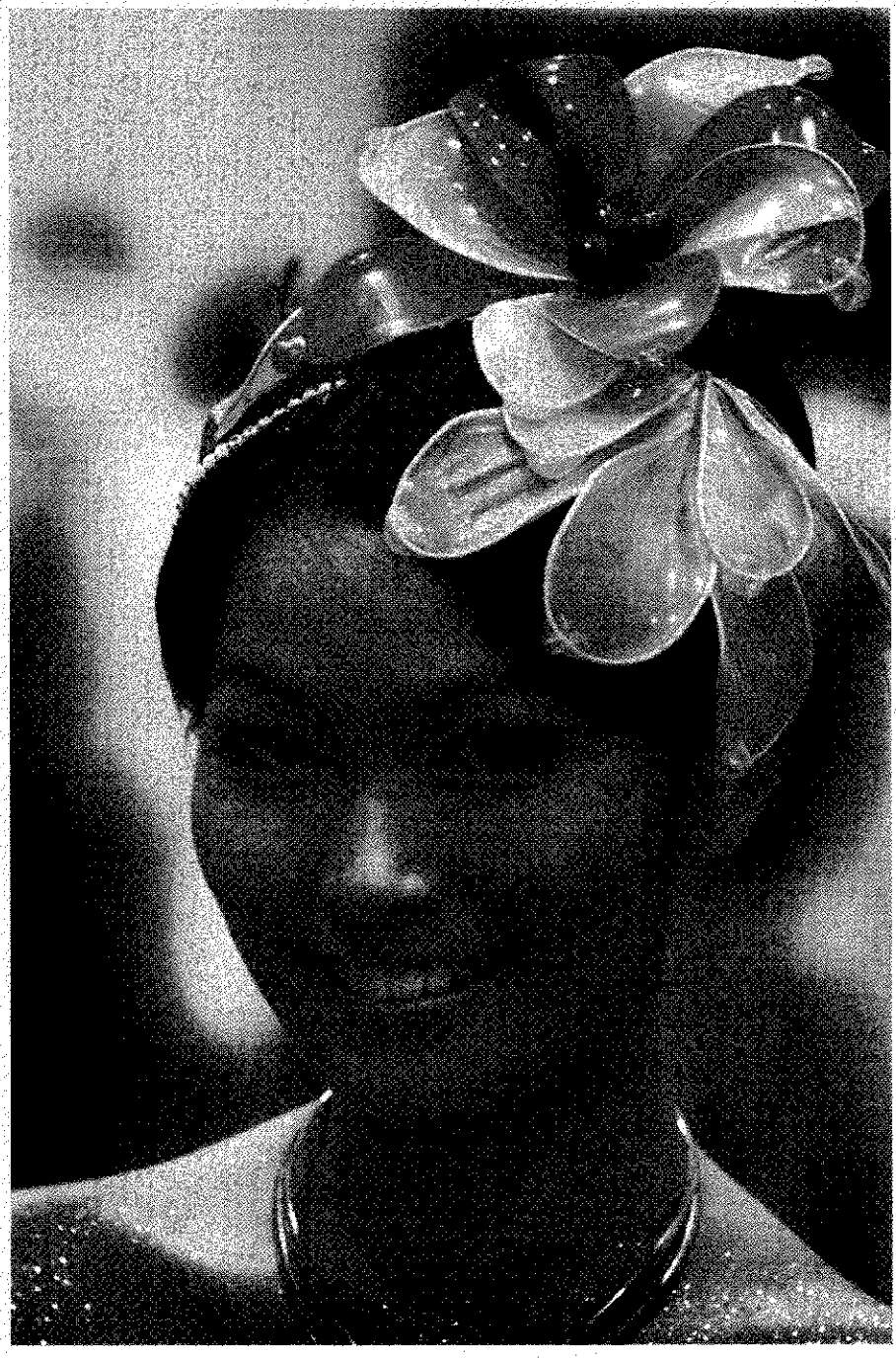
Stretching Condoms

Charles Paul Freund



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NICE HAT, NO? It has a sort of post–Carmen Miranda quality, in that its orchid-like appearance is garish enough to make you look without being so garish as to make you laugh. Its petals even have a certain gleam, as if this "orchid" had been picked in the midst of a tropical rainfall. That luster is actually the effect of the latex condoms that constitute nearly the whole of this fashion item.

Yes, condoms. And not just any condoms, but condoms that have been distributed free throughout India for population control and AIDS prevention. Millions of these free rubbers, reports London's *Telegraph*, "are being used for other purposes such as waterproofing roofs, reinforcing roads and even polishing saris." India's military uses them to protect tank barrels against dust. (The hat was made in Thailand, where many of the condoms have ended up.)

Health authorities understandably complain that the condoms are not "properly utilized." Yet such unauthorized use is a familiar economic phenomenon that's at the heart of innovation. People create products for one use; consumers often find alternatives. Such innovations often increase the value of a product (especially if it's "free"), so there should be little wonder that many condoms are diverted to spontaneous markets of their own. Except for the hat: That's a surprise. ▪

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Brown: A Great Decision—Except for Schools

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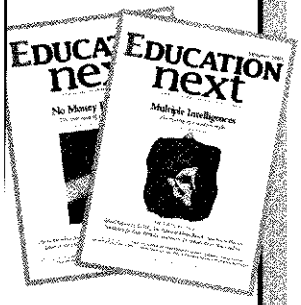

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Oliver Brown—the plaintiff in the 1954 *Brown vs. Board of Education* decision—sued a school board, not a public park commission, even though such facilities were also segregated. Within the private sector, discrimination was pervasive.

Yet, today, we see marked progress toward racial equality in parks, recreation programs, politics, communications, commerce, and industry—but not in schools.

The irony is all the greater, inasmuch as the Supreme Court, in *Brown,* outlawed only school segregation—on the shaky grounds that such segregation harmed the "hearts and minds" of African American children.

But at a time when the workplace is more often racially mixed than not, ***Brown*'s educational consequences remain ambivalent.** On the plus side, most school districts have become as integrated as city demographics allow. But the price paid for this integration has been high—involuntary busing that separated schools from families and communities; large, difficult-to-manage school campuses; white flight; and lowered expectations for students of all social backgrounds.

Worse, the performance of African American students has continued to trail that of whites. Although the gap narrowed in the 1980s, it opened again in the 1990s, a time when the principles of *Brown* should have been firmly entrenched.

Conventional liberals blame "politicians" for inadequate funding or "society" for its abiding, if now hidden, racism. But money has seldom bought educational progress, and one is hard put to explain the survival of racism in schools when it is on the wane elsewhere.

Conventional conservatives are more apt to "blame the victim," suggesting that the child-rearing practices of the African American family are the root cause. Yet the disparities in black and white achievement are smallest among preschoolers—the age at which family influences are pronounced and school influence nil.

Closer to the truth are those who blame Hollywood, television, and the fashion industry for fostering a drug-infested, antilearning, "hip-hop" youth culture that burgeoned in the 1990s. But if street culture is the problem, then assigned neighborhood schools are not the solution. Only in rare instances can traditional neighborhood schools suppress the seductions of their immediate environment.

Learning is better fostered when schools draw boundaries that separate classroom life from the street-culture opiates. Because good private schools have discovered this secret, African American students who attend them are much more likely than their public school peers to complete college.

Unfortunately, some still argue against school choice on the grounds that African American families are too ill-informed to pick good schools. But interest, knowledge, and commitment will come naturally to all parents, once choice is made available. To claim otherwise is racist in the extreme. **School choice is, indeed, the civil rights issue of our time.**

—Paul E. Peterson

Paul E. Peterson is a senior fellow at the Hoover Institution and a member of the Koret Task Force on K–12 Education. He is a professor at Harvard University.

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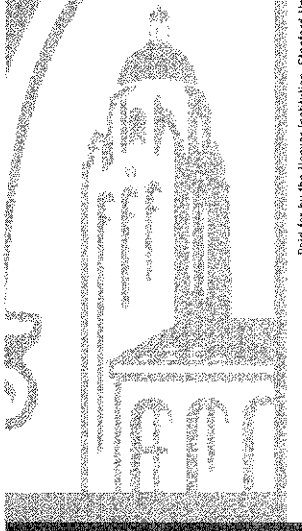

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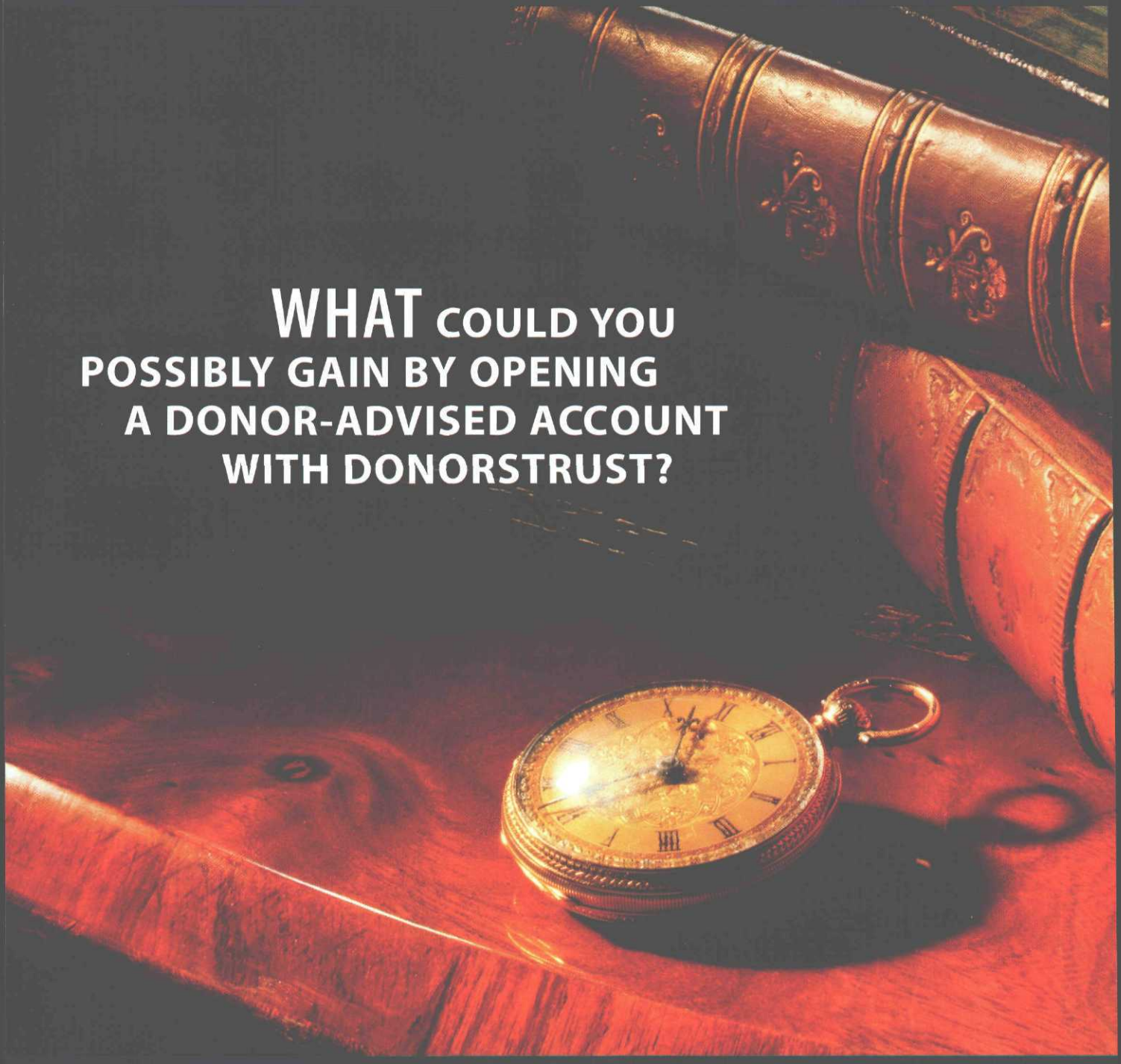

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